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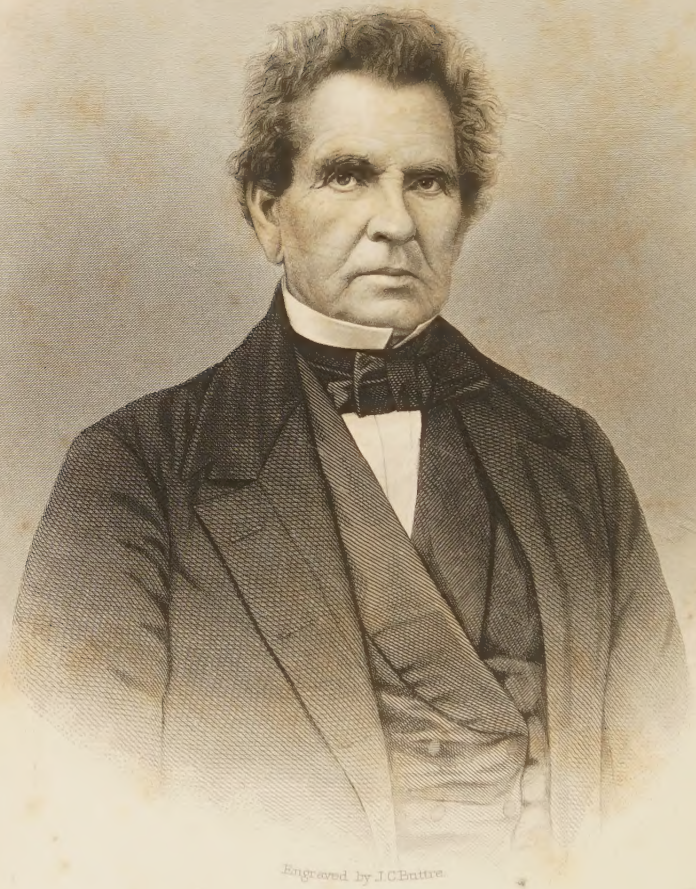

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EARLY

INDIANA TRIALS:

AND SKETCHES.

REMINISCENCES BY HON. O. H. SMITH.

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TO THE READER.

PART of the sketches contained in this book, were originally published in the Indianapolis Daily Journal, edited by Berry R. Sulgrove, Esq., and were extensively re-published by other papers in most of the States; these have been revised and corrected by the author. Many of the sketches, all the letters, and part of the poems, have never been published before. Each sketch is complete and requires the reading of nothing previous to understand it.

THE AUTHOR.

INDIANAPOLIS, IND., December 25th, 1857.

Indianapolis, Ind
December 25th 1854

This book is respectfully
inscribed to my friends

EARLY INDIANA TRIALS;

AND SKETCHES.

REMINISCENCES BY HON. O. H. SMITH.

[Friday Morning, July 3, 1857.

EARLY INDIANA.

The writer proposes to consume a leisure hour by calling upon his recollections of the early trials of important cases in Indiana, which may be interesting, at least to some of our pioneer settlers who are yet living witnesses of the truth of his reminiscences. He proposes to confine himself to the Third Judicial Circuit of the State, and to the time when the Hon. Miles C. Eggleston was Presiding Judge of the circuit. The Third Judicial Circuit included what was then known as the Whitewater country, and extended from the county of Jefferson north to the State of Michigan, some two hundred miles in length, and from the Ohio line on the east, to White River, some seventy-five miles west. The country was new, sparsely settled, and being on the western frontier, the towns and villages were filled with Indians, trading their peltries, wild game and moccasins ornamented with the quills of the porcupine, with the settlers, for calicoes, whisky, powder, lead, beads, and such other articles as met their fancy. The population of the country embraced by the circuit, was a hardy, fearless and generally honest, but more or less reckless people, such as are usually to be found advancing upon the frontiers from more civilized life, and consequently there were more collisions among them, more crimes committed calling for the action of the criminal courts, than is common in older settled and more civilized parts of the older States.

The judiciary system at the time referred to was, like the country, in its infancy. The Circuit Court was composed of a president judge, elected by the Legislature, who presided in all the courts in the circuit, and two associate judges, elected in each county by the people. These "side judges," as they were then called, made no pretensions to any particular knowledge of the law, but still they had the power to

over-rule the presiding judge, and give the opinion of the court, and sometimes they even "out-guessed" the president, giving the most preposterous reasons imaginable for their decisions, as, in one instance, that a writ of *scire facias* to revive a judgment, would not lie, unless it was sued out within a year and a day. The decision of the associates was affirmed in the Supreme Court, for other reasons of course. The court-houses were either frame or log buildings, arranged to hold the court in one end and the grand-jury in the other. The petit-jury being accommodated in some neighboring out-building, used for a kitchen of the neighboring inn, during vacation. The clerks had very little qualifications for their duties. Still they were honest, and the most of them could write more legibly than Rufus Choate, United States Senator. The sheriffs were elected by the people, as they are now, and seemed to have been selected as candidates on account of their fine voices to call the jurors and witnesses from the woods, from the door of the court building, and their ability to run down and catch offenders. The most important personages in the country, however, were the young lawyers, universally called "squires" by old and young, male and female. Queues were much in fashion, and nothing was more common than to see one of these young "squires," with a wilted rorum hat that had once been stiffened with glue in its better days, upon a head, from the back part of which hung a queue three feet long, tied from head to tip with an eel-skin, walking in evident superiority, in his own estimation, among the people in the court-yard, sounding the public mind as to his prospects as a candidate for the Legislature. There were no caucuses or conventions then. Every candidate brought himself out and ran upon his own hook. If he got beat, as the most of them did, he had nobody to blame but himself for becoming a candidate; still he generally charged it upon his friends for not voting for him, and the next season, found him once more upon the track, sounding his own praises.

The court-rooms in those days were prepared and furnished with much simplicity, and yet they seemed to answer all the purposes absolutely necessary to the due administration of justice. The building, as I have stated, generally contained two rooms—the court-room being the largest,—at one end of which there was a platform elevated some three feet, for the judges, with a long bench to seat them. These benches were very substantial in general, sufficient to sustain the most weighty judges; yet on one occasion the bench gave way, and down came three fat, aldermanly judges on the floor. One of them, quite a wag, seeing the "squires" laughing, remarked—"Gentlemen, this is a mighty weak bench." The bar had their benches near the table of

the clerk, and the crowd was kept back by a long pole fastened with withes at the ends. The "crowds" at that day thought the holding of a court a great affair. The people came hundreds of miles to see the judges, and hear the lawyers "plead," as they called it. On one occasion there came on to be tried before the jury an indictment for an assault and battery against a man for pulling the nose of another who had insulted him. The court-room was filled to suffocation. The two associate judges on the bench. The evidence had been heard, and public expectation was on tip-toe. All was silent as death, when my young friend, then "squire," afterward Judge Chas. H. Test, rose and addressed the court: "If the court please." He was here interrupted by Judge Winchell from the bench. "Yes, we do please; go to the bottom of the case, young man. The people have come in to hear the lawyers plead." The young squire, encouraged by the kind response of the judge, proceeded to address the jury some three hours in excited eloquence upon the great provocation his client had received to induce his docile nature to bound over all legal barriers and take the prosecutor by the nose. All eyes were upon him, and as he closed, Judge Winchell roared out, "Capital; I did not think it was in him!" The jury returned a verdict of "not guilty," amid the rapturous applause of the audience. Court adjourned, and the people returned home to tell their children that they had heard the lawyers "plead." How different this from an incident that the writer witnessed in the city of Baltimore in the year 1828. Happening to arrive at Barnum's Hotel, too late for the Chesapeake boats to Philadelphia (there were no railroads then), and having to lie over till morning, I accidentally strolled around to the United States Court-room. Curiosity led me to open the door and step in. The United States Marshal politely gave me a seat. There was a venerable judge on the bench, a lawyer addressing the court, another taking notes of his speech. These three, and the marshal composed every person but myself in the room. They were all strangers. I asked the marshal who they were. "The judge," said he, "is Chief Justice Marshal; the gentlemen addressing the court is William Wirt, and the one taking notes is Roger B. Taney." Three of the most distinguished men in the United States, and yet in a city with a population of fifty thousand souls, they were unable to draw to the court-room a single auditor. I heard the arguments of these great men by mere accident, but I shall long retain a distinct recollection of them.

[Saturday Morning, July 4, 1857.

TRIAL OF FULLER.

At the March term, 1820, of the Dearborn Circuit Court, Judge Eggleston took his seat on the bench, as the successor of the Hon. John Watts. The judge was a young Virginia lawyer, a cousin of the Hon. Wm. S. Archer, of the U. S. Senate. He was a fine scholar and a well read lawyer. His integrity and his moral courage were above suspicion, while his impartiality commended him to the approbation of all. He will long be remembered by the writer, one of the young members of the profession, for the judge was ever willing to hear all that could be said by the humblest member of the bar, and when he decided, even against him, his manner gave courage to increase preparation for the next case. I received my license to practice law from his hand, after a short examination in person. His remarks in signing the license made a deep impression upon me. My means were exhausted, and it was a question of life or death with me. The judge kindly remarked, "Mr. Smith, I will sign your license, but you are only prepared to commence the study; don't be discouraged, but persevere in your studies and you may yet stand high in your profession."

The March term (1820) of the Dearborn Circuit Court was memorable for the trial of Fuller for killing Warren. Palmer Warren, the deceased, was my room-fellow at our boarding-house while I was a student. He was a young, pleasant man, of good reputation. Fuller was his senior in years, also highly respectable. These young men, it seems, became attached to a young, though not handsome girl, with a broad English accent, and both proposed marriage. The young lady preferred Warren, and rejected Fuller, who, in the moment of excited feelings, shot Warren with a pistol, first offering him one to defend himself, which Warren refused to accept. The ball entered the left breast and penetrated the heart. Warren fell dead. I was not there at the time, but saw his vest afterward, with the bullet-hole through it. As these young men were highly respected in Lawrenceburgh, especially Fuller, who was a great favorite, the trial excited unusual interest. I was present at the trial. The young judge took his seat upon the bench for the first time. The prisoner was brought into court by Capt. Thomas Longly, the sheriff, and took his seat in the box. He was dressed in black, except his white vest; his countenance composed, and his eye steady. Amos Lane and John Test appeared for the State, Daniel J. Caswell, Charles Dewey, Samuel Q. Richardson, John Lawrence and Merritt S. Craig, were of counsel for the prisoner. The jury was empanneled with some difficulty. The evidence was pos-

itive and conclusive, still the arguments of counsel occupied several days. Every appeal that it was possible to make to the jury by the able counsel for the prisoner, was fully met by the closing speech of Mr. Lane for the State. The jury, after a short absence, returned a verdict of "guilty of murder in the first degree." The judge, after overruling a motion for a new trial, pronounced a most impressive and solemn sentence of death, by hanging, upon the prisoner. The court-room was filled to overflowing with both men and women. All were much affected, and many tears were shed. The prisoner looked pale and agitated, yet it was apparent that he was not without hope. The execution was fixed at a distant day by the court, to afford an opportunity to test the legality of the conviction in the Supreme Court. The judgment was affirmed by the last judicial tribunal and the record returned. The people in Dearborn almost in mass signed a petition to the Governor for the pardon of Fuller; and such were his hopes that he refused to escape from his prison, when he could have done so. Time rolled on, and brought the fatal hour, but no pardon; and Fuller was publicly executed in the presence of thousands. This case will long be remembered in old Dearborn.

TRIAL OF O'BRIAN.

The mind of the reader and my own recollections, may require rest from this deep tragedy, by relating other cases of a more comical character. Shortly after the trial of Fuller, the court called the case of Michael O'Brian, indicted for the larceny of a watch, the property of Jemmy O'Regan. The prisoner appeared in the box. He was a little pock-marked Irishman, who was evidently acquainted with the "dear cratur," as well as the private resting-places in the out-houses of the city. In the witness-stand sat Jemmy O'Regan, the prosecuting witness—a small, rather good-looking Irishman with a flaming red head, and one eye that looked as if it had been put in with red putty; the other eye had long taken leave of his countenance. Gen. James Dill was the clerk of arraigns. The General was a distinguished connecting specimen of the last and present generations—a perfect gentleman, with a fine ruffled shirt, white vest, buff pants and a long queue down his back, with a solemn look and voice that would almost arouse the dead. The General, speaking to the prisoner, "Michael O'Brian, stand up and hold up your hand." "I will just do that very thing as ye ask me." "You are indicted for stealing Jemmy O'Regan's watch; are you guilty or not guilty." Michael bowing to the floor, "Not guilty, *my lord!*" This "brought down

the house," as the saying goes. The case was submitted to the court without a jury. Jemmy was sworn and was the only witness. He went on to identify the watch; gave the number and maker's name, and then with tears in his eyes, "It is the same watch me ould mother gave me when I left Ireland, peace to her sowl." The identity of the watch was completely proved, but still the larceny was not traced to Michael O'Brian. Judge Eggleston—"Jemmy O'Regan, did you find the watch upon Michael?" "Sir, your honor?" Judge—"I say, did you find the watch with him." Jemmy, with the most indignant contempt in his eye, looking the judge in the face, "Find the watch upon him? and didn't I tell yer honor that it was the watch me ould mither gave me in Ireland. Had I found him with it, do ye think I would have troubled your honor with him?" Judge—"The prisoner must be acquitted, on the ground that there is no evidence that he ever saw the watch." Jemmy—"And how could he see it your honor, when he was drunk and aslape on the flour all the while he stole it?"

FIRST FEE.

I LEFT Dearborn immediately after these trials with my license—arrived at Versailles, Ripley county, the next day, and fairly entered into professional life. My shingle was exposed to the gaze of the passers-by for some days, but no client called. My landlord of course looked for his dollar and a quarter at the end of the week, his boarding price, and I began to doubt whether the profession of the law was what I had supposed, the road to wealth and fame, when a loud knock at the door aroused my attention, and in stepped a man of a most herculean frame, apparently much excited, and asked if the "squire" was within. I said "yes." Says he, "I have a very important case, squire, and have come to fee you." This was indeed music to my ear, the first of the kind I had ever heard. The case was stated; a neighbor had, without asking, bored one of his sugar trees. "If he had asked it," said my client, "he might have bored a dozen of them and welcome." Here was a plain case of *trespass quare clausum fregit*, as my Blackstone told me. The advice was given, the action brought, and warmly contested by Merritt S. Craig, my worthy competitor for wealth and fame at Versailles. I had left the office of the justice after my first speech and was eating dinner at my boarding-house when in rushed my client and announced the result in his stentorian voice, "squire, we have beat him, verdict 12½ cents, good; but squire I want you to stick to him, as he now swears he will plunge it into ekkity; here is your fee of $2,50." This was my first client, my first case, and my first fee.

[Tuesday Morning, July 7, 1857.

BEEF CASE.

In the spring of 1820 I left Versailles, and settled in Connersville, in the beautiful Whitewater valley. John Conner, the proprietor, lived there at that time, and as he had been many years in his youth among the Indians, at their homes, Connersville was daily filled with his first forest friends. The only hotel was kept by my distinguished friend, Newton Claypool; the only attorney in the place was my friend William W. Wick, who was soon after elected judge of the "new purchase circuit," including the seat of government. Court was in session when I arrived. The great case of Isaac Jones against Edward Harper was on trial. The facts of the case were simply these: Jones sold Harper twenty-five cents worth of beef in the market; Harper had no change to pay for it. Jones, some days after, called on Harper for his pay. Harper refused to pay, alleging that the beef made his family sick. Jones brought suit before Edmund Harrison, a justice of the peace, laying his damages at $2. 50. Several hung juries followed each other before the justice. At length a verdict for Jones for twenty-five cents was had, from which Harper appealed to the Circuit Court, where jury after jury, at successive terms had disagreed; and now came on the final trial. The people of the country in mass were in the court-house, the jury in the box, and the lawyers in their seats when I entered the room; the young judge, Eggleston, sitting between William Helm and Edward Webb, his portly associates. General James Noble, John Test, Amos Lane, and James B. Ray, the counsel for Jones, occupied one end of the long table before the jury, William W. Wick, Daniel J. Caswell, and William C. Drew the other.—Jones and Harper sat at the ends of the table, deeply anxious as to the result, ready to give any required information to their counsel. The evidence was heard; the case argued some two days with great energy by the able counsel; the court charged the jury with the usual ability of Judge Eggleston; the outsiders seemed to doubt of the verdict, as they took sides with the lawyers. The jury was out all night, and at the opening of the court next morning, returned a verdict for the defendant. Jones lost his beef; his only farm and home was sold by the sheriff to pay the costs—over $1,100; and the last time I saw him he was poorly dressed, riding a little pony, carrying a few pecks of corn to a neighborhood horse-mill. Harper was broken up in paying his lawyer's fees.

ROOT DOCTORS.

One morning I was introduced by my landlord to a small, black-eyed man, wearing a plain coat and speaking the plain language of "thee and thou," as Dr. Burr, from New Philadelphia, Ohio, who was about to settle in Connersville, as a root doctor. Some days after, there was nailed up to the weather-boarding of the hotel, an enormous swamp-lily root, almost as large as a man, with head, eyes, nose, ears and mouth nicely carved, arms and legs with feet stuck on, and just above the sign on a board, marked with chalk, "Joseph S. Burr, Root Doctor; No Calomel." The news of the arrival of the root doctor spread over the country like wild-fire, and hundreds came from all parts of the country to see the doctor and the big root. We had in town at the time a first-rate Allopathic physician, by the name of Dr. Joseph Moffitt, who looked upon the strange root doctor as a quack, intending to gull the people, and spoke of him freely with the utmost contempt,while on the other hand the root doctor openly charged Dr. Moffitt with killing his patients with "calomel". The people soon began to take sides, some for roots and some for calomel. It was a sickly season and a good many of Dr. Moffitt's patients died; each case of death was referred to by the root doctor as evidence that the calomel doctor was killing the people and many believed the slander. Dr. Moffitt was at length almost driven to despair, and called upon me to bring an action of slander against Dr. Burr; I objected at first, but ultimately yielded at the urgent request of the Doctor. The action was brought; some five of the first attorneys of the circuit were engaged on each side. The trial lasted more than a week; the lawyers distinguished themselves, the proof pro and con left the case in doubt in the minds of the jury and bystanders whether the people died "with the fever" or were killed by the "calomel doctors". The widow of a man who had recently died was called as a witness by Dr. Burr. Dr. Moffitt, who sat by me, whispered in my ear, "I have him now; I can prove by a witness in court, that her husband died before I got there." The jury failed to agree and was discharged; the case continued. The root doctor ran away, and the suit was dismissed by Dr. Moffitt at his own proper costs.

The effect of this trial upon the practice of medicine in Fayette county, as well as upon the necessary qualifications to practice, was prodigious. Dr. Burr granted diplomas to his students upon three weeks' study. The country was soon filled with root doctors. One of his graduates, by the name of Thomas T. Chinn, a constable three weeks before, barely able to write his name, sallied forth with his diploma to the then "new purchase" as Dr. Chinn. "Root Doctor and

no Calomel," flung to the public eye upon his new-painted sign hung upon the limb of a tree. A few weeks after, I met him in the street. "Well, Doctor, how goes the practice?" "Only tolerable; I lost nine fine patients last week, one of them an old lady that I wanted to cure very bad, but she died in spite of all I could do. I tried every root I could find, but she still grew worse, and there being nobody here to detect my practice, like the other regular doctors, I concluded to try calamus, and dug up a root about nine inches long and made tea of it. She drank it with some difficulty, turned over in the bed and died. Still, I don't think it was the calamus that killed her, as all the Calamus doctors are giving it in heavier doses than I did." Such was his ignorance that he knew no difference between calomel and calamus, and yet he got patients.

SANG HOE.

THERE grew out of this root-doctoring matter another warmly contested and exciting trial, after this wise; Dr. Moffitt for the purpose of ridiculing Dr. Burr, spoke to one Martillow Remington, a blacksmith, to make a "sang hoe" for Dr. Burr to dig roots with—directing him to finish it nicely and present it to Dr. Burr. The blacksmith knew that it was intended as a capital joke. The hoe was finished as bright as a piece of Sheffield cutlery, and presented to Dr. Burr, as an insult from Dr. Moffitt. Dr. Burr contrary to the expectations of Dr. Moffitt, not only received the hoe, but returned to Dr. Moffitt his warmest thanks for the present. Remington then called upon Dr. Moffitt for his pay for making the hoe. The Dr. refused to pay, on the ground that it was all a joke; but Remington set up his labor on the hoe as a consideration on his part, and hurled the joke part of the transaction back upon Dr. Moffitt. An action soon followed by Remington against Dr. Moffitt, before a justice of the peace. The trial was warmly contested, many witnesses testified, all stating the making of the hoe by the plaintiff, but each giving it as his opinion that it was all a joke. Next morning the opinion of the justice was to be given. The office was crowded at an early hour. The time for the decision to be delivered arrived, when the constable ordered "Silence in the court-house." Squire Hazelrigg—"This is a very important case, upon which I have thought much, and after mature deliberation, my opinion is, that it was all a joke. I have looked through the statute, Espinasse's Nisi Prius and Peak's Evidence, but can not find that an action will lie for a 'joke;' judgment for the defendant of course." I was congratulated by my client for my able defense—but the end

was not yet. The obstinate counsel for the blacksmith refused to submit to the opinion of the court, and took an appeal to the circuit court. Costs accumulated, continuances were had for the absence of witnesses; a number of lawyers were employed on both sides. The case was argued at great length by able counsel, and was ultimately submitted to the court. Judge Eggleston decided, that so far as the blacksmith was concerned it was no joke, and gave judgment for the plaintiff for $7 damages and over $300 costs. Dr. Moffitt very good-naturedly remarked, upon seeing the amount of the cost bill, "Judge Eggleston was right; this *is* no joke."

[Thursday Morning, July 9, 1857.

DR. BRADBURN'S TRIAL.

Among the first of the great tragic trials in this State, was that of Dr. John Bradburn, of Fayette county, on an indictment for murder. I was at the time County Prosecutor for the State. The facts of the case were briefly these: Dr. Bradburn was an eminent surgeon, a man of great muscular power and of the most indomitable personal courage. I have scarcely ever seen a more athletic man, and I never knew a man of greater bravery. He lived some four or five miles from Connersville. In general the Doctor was highly respected, but it seems that he had given some real or imaginary cause of offense to several young men of equal respectability in his neighborhood, who took it into their heads that they would take the Doctor from his house in the night, ride him on a rail to the water and then duck him. The Doctor by some means got wind of what was going on, and prepared himself with weapons for defense, among which was a long dissecting knife with two edges. The young men, unaware of his preparation, fixed upon a dark night to carry their plan into execution. Capt. Robert L. Broaddus was selected as their leader. About twelve o'clock at night the party silently approached the dwelling of the Doctor and tried to open the door, but found it fast. The Doctor was in bed in an adjoining room, wide awake, with his large knife under his pillow, cool and prepared. The outside party placed an iron crow-bar, which they had brought with them, under the door, threw it off its hinges and entered the room, carrying with them the ropes prepared to tie the Doctor before they took him from the house. In the meantime the Doctor remained silently sitting upon his bed, with his knife in his hands. The room was dark. The party advanced, feeling their way, until the foremost, young Alexander, about eighteen years of age, reached the bed, when he received a fatal stab with the knife, turned, rushed to the door, stepped out, and fell dead in the yard. Not a word was spoken. The next, young Caldwell, about twenty years of age, advanced, evidently not knowing the fate of Alexander, until he came within the grasp of the Doctor, when the fatal knife was thrust through his side, penetrating his heart. He uttered a loud groan, turned, fled to the door, passed a short distance into the yard, fell and died near the body of Alexander. The groan of Caldwell alarmed the others, who immediately retreated for the door, pursued by the Doctor, and one other of the party received a severe, but not a mortal wound. Capt. Broaddus told me that at one time the Doctor was between him and the door, and as he passed to go out the

Doctor struck at him with his knife, and just grazed his side. It was very evident that but for the groan of Caldwell, not one of the assailants would have left the house alive. Such was the awful tragedy at the house. The young men killed were of the very first families of the county; indeed of the State. The excitement was intense; the Doctor gave himself up, and was put in jail. While the inquest was sitting over the dead bodies, he was calm and composed, and stated all about the transaction, and I have no doubt truthfully, for he was a man of truth, although his life was at stake. He had been my client, and on this, the most trying occasion of his life, he insisted that I should defend him. I told him I was the attorney of the State. "You get but $120 a year, and I will give you $500 for this case alone." I however, at once told him that no fee could induce me to forsake the State at such a juncture, and declined further conversation with him. He sent to Brookville for John T. McKinney to defend him. The court met; the grand-jury found a bill for murder; the trial came on; the facts substantially as stated were proved, with the admission of the Doctor. The court-house was crowded with an excited population. General McKinney made a strong speech in the defense, but it evidently fell upon unwilling ears. My closing speech was again and again applauded by the crowd, and the applause as often reprimanded by the Court and the sheriff. It was evident that the jury, and the audience were with me, and had the case gone to the jury without any charge from the Court, Doctor Bradburn would have been illegally convicted, I have no doubt. But Judge Eggleston, as we say, had the "closing" or last speech, and nobly did he sustain his high character as a judge on that occasion. He took up the case calmly but firmly; examined its principles, and laid down the law of self-defense, or excusable homicide, that governed the prosecution, step by step, until, I am satisfied, there was neither lawyer, juror, nor bystander in the court room that did not acquit the prisoner before the jury left the box. The jury retired but a few minutes and returned a verdict of not guilty, on the ground of self-defense. So ended this long-to-be-remembered case in old Fayette.

TRIAL OF YOUNG.

In the year 1824 I was appointed by Governor Hendricks Circuit Prosecutor for the Third Judicial Circuit, and for the succeeding two years I rode with Judge Eggleston into every county and attended the courts twice a year. Our Southern Court at that time was held at Vevay, and our Northern at Fort Wayne. The judge was rather

delicate, but I had an iron constitution. There were no bridges over the streams, but we rode good swimming horses, and never faltered on account of high water, but plunged in and always found the opposite shore somehow. During the two years that I served as prosecutor, there was not a single court held or a grand-jury impanneled in my absence on our circuit. On one circuit I heard nine men sentenced to the penitentiary and four to be hung that I prosecuted. In the continuation of these reminiscences I propose to sketch some of these cases. Before doing which, however, let me present the great and exciting trial of Alexander Young for killing John Points, in the Rush Circuit Court. The case was prosecuted by James Whitcomb and myself, for the State, and defended by Charles H. Test, James Rariden and James T. Brown for the prisoner. The facts of the case were these: Young was a justice of the peace of Rush county, who had a beautiful and beloved daughter, about seventeen years of age. Points was a fine-looking young farmer, the son of a respectable man in the neighborhood, but somewhat wild and reckless. He had for some time been attached to the Squire's daughter and had asked the consent of the father to their marriage; but was rejected and denied the privilege of longer visiting the house. The young couple then arranged for an elopement, to get married at a neighboring village; the father got wind of their intentions and determined at all hazards to prevent it. He loaded his rifle and hung it up at a convenient place, to be taken down at a moment's notice of the approach of young Points. The Squire was absent one morning from his house, when Points rode up on horseback; the daughter was ready, stepped to the block and sprang up behind him, and off they bounded on a circuitous path round the fields to the public road leading to the village where they were to be married, and their earthly joys to commence for life. They left the house full of life, with bright hopes of the future, and the ultimate reconciliation of the parents, as they had both been readers of romance, and imagined this was to be a noted adventure, like escaping from a castle by young lovers. But alas for their dreams! the Squire returned a few moments after they had left, and seizing his rifle ran across the fields to the road, and took his position near the roadside—behind some tree, where the young couple had to pass. They soon approached at a rapid pace, wholly unconscious of impending harm. As they were directly opposite the tree, where the Squire was concealed, he raised the rifle, the crack was heard at the house by the mother. The ball grazed the head of the daughter, and young Points fell from his seat a corpse, leaving the intended bride in her seat on the horse. She returned to the house with

her father, and was the principal witness against him on the trial.

The case created great excitement throughout the whole country. The coroner's inquest charged Young with the murder of Points. The Squire was arrested and confined in the jail of Rush county. The grand-jury found a bill of indictment for murder in the first degree. The clergy visited him in his cell repeatedly. He expressed the most poignant regret, and the deepest sorrow, so as to make a profound and lasting impression upon all who visited him—among the rest, upon my venerable friend, the Reverend James Havens, who took a deep interest in the trial. The court-house was crowded, and surrounded at every window, during the trial, with the most anxious countenances I ever saw on any occasion; and while the daughter testified, the crowd seemed almost to cease breathing, such was the silence that surrounded us. The daughter related the whole facts and circumstances of the case briefly and calmly, but evidently with great feeling, and so far as we could judge, without any disposition to withhold any thing material because her father was on trial. However, the tragedy proved too much for her strength. She gradually sank into a state of partial alienation of mind, from which she was never relieved by all the treatment of the most eminent physicians, and she is now alive—a confined maniac.

The case was argued with all the ability the eminent counsel on both sides could bring to bear upon it. Mr. Whitcomb for the State, and Mr. Charles H. Test for the prisoner, especially distinguished themselves. The appeals to the sympathy of the jury were not in vain. A verdict of manslaughter, two years in the state-prison, and a pardon from the Governor, were the final result, but I learned that Alexander Young never smiled afterward.

[Friday Morning, July 10, 1857.

SLANDER CASE.

As I was on my return home from Indianapolis, accompanied by my friend, the late George H. Dunn, we stopped at a little shanty tavern in the woods between Big Blue River and Rushville, to stay for the night. The landlord I call Perry Laden. We had a good open log fire, a tolerable supper, and took our seats. We were evidently strangers at the inn. The landlord, who was a small, frisky, run-about fellow, eyed us for some time, and at last drew up his "splint-bottomed chair" and commenced: "Are either of you lawyers?" "Yes, both of us." "Then you are the very men I want to see—I have a lawsuit for you." "What about?" "The man that keeps the tavern in sight down the road (whom I call Elzy C. Lee), has slandered me the worst kind." "Indeed, what did he say of you?" "He said that I fed my travelers on stolen pork." "Perhaps he was only in fun." "Not he, it was all done to get the traveling custom to his tavern." This looked plausible, and as I practiced in the Rush Circuit Court, the matter began to assume a serious, business-like character, as I thought myself somebody in slander cases, although "Starkie on Slander," in two volumes, had not then met the eye of the profession. We generally carried with us, on the circuit, "Espinasse's Nisi Prius." and "Peak's Evidence," with dog-ears turned down at each heading. Judge Dunn was my senior in practice, and had some experience in the difficulties that sometimes embarrass counsel upon the trial, when, for the first time they learn that their clients only told the truth as far as they went, but forgot to tell the whole truth, which alone would enable them to meet the true state of the case before the court. "One question more Mr. Laden," said Judge Dunn, "did you ever kill anybody's hogs by accident and bring them home, out of which your neighbor might have made up this story against you?" "Never! I never killed a hog in the woods in my life; besides I can prove my character from a boy, by Captain Bracken." This settled the matter in favor of the action. Judge Dunn, living at Lawrenceburg, and not practicing in Rushville, the case was given up to me; the fee agreed upon, twenty dollars certain, and one half the damages contingent. The case was brought at the next term of the court, and Capt. Bracken subpenaed to prove the good character from infancy of my client. My expectations were high of the large damages that I was to divide with my client; I had read of $20,000, $10,000, $5,000, and such verdicts in aggravated cases of slander. The court came on, my case was called. "A rule for a plea," says I. "Plead instanter,"

says James Rariden for defendant. "Hand the plea to me, Mr. Clerk," says I. The clerk handed over the plea. A single glance satisfied me that there was trouble ahead. The plea was a "justification" of the words, and charging the stealing of two hogs on my client, the property of some one unknown. I told my client the substance of the plea. "It is all a lie, they can't prove it, and if they do Capt. Bracken will clear up my character." Of course I took issue upon the plea. A jury was called, and Mr. Rariden and Chas. H. Test called to the witness-stand a girl that had lived with my client at one time, but had been discharged some time before the trial. She swore positively that my client had killed two hogs in the woods, skinned them, cut off their heads and brought them home before daylight on a sled; and said that he could kill enough for his winter's meat for the whole family. "How is this," I whispered in his ear. "Ask her what I said when I came home." I put the question. "He said as he had cut off the heads and legs of the hogs, and had skinned them, nobody could tell whether they were deer or hogs." My client seemed pleased with the answer to his question. "Now call up Capt. Bracken, and he will give my character." "Capt. Bracken, stand up and be sworn. Are you acquainted with the plaintiff, and how long have you known him?" "I have known him from a boy." "What is his character?" Well, he always dealt fair enough with *me*." "But for honesty; you never heard any thing against him for honesty?" "Well, I can't exactly say that; he stole a fine hog from me that I had killed and hung up in the smoke-house; I tracked him the next morning, and found the hog at his house, and he paid me for it." Rariden laughed aloud, and my head fell at least forty degrees. The case was closed before the jury. The proof was positive. I sprang to my feet, and addressing the Court, "I ask the Court to instruct the jury, that before they can find for the defendant the evidence must be so strong that if the plaintiff was on his trial for stealing the hogs, they would send him to the penitentiary?" "I admit that to be the law; let the jury take the case," said Mr. Rariden. The jury retired to their room, and the Court adjourned. I walked silently to the tavern, amid the jeers of the lawyers, and the exultation of my competitor for the verdict. The jury were out all night, and just as the Court met in the morning, returned with a verdict of "one cent damages for the plaintiff." The defendant rushed up to me and tendered the cent. Mr. Rariden most indignantly stepped up to the foreman, "How could you find such a verdict?" "Upon your own admissions." "What did I admit?" "Mr. Smith said if we found for the defendant, we must send the plaintiff to the peniten-

tiary, and you admitted that to be the law; so we could not think of sending a man well-off, and with a good tavern-stand, to the penitentiary, for stealing two little hogs, and poor at that." Judgment was rendered for one cent in damages, and over $300 costs. All my imaginary income from the verdict vanished, and the next time I heard from the parties, the tavern of the defendant was advertised by the sheriff to pay the costs. This case has occupied more space than I would have liked, but it contains a professional moral worth remembering.

TRIAL OF MONROE.

Soon after the above case, came on, in the same court, the trial of Hugh Monroe for murder. The case was prosecuted by James Whitcomb, for the State, and defended by Charles H. Test, James Rariden, James T. Brown, and myself. Hugh Monroe was a native of North Carolina, but had resided some time in Rush county. He and the deceased had been for several months on bad terms, when they met at a shooting-match. While the deceased was fixing the target on the board, Monroe fired, and the ball passed through him, and he fell and died without a struggle. Soon after the occurrence I was sitting in my office, at Connersville, one morning, when a venerable man, uncommonly fine-looking, with hair as white as snow, finely but plainly dressed, entered and took a seat. He informed me that he was from North Carolina, and was the father of Hugh Monroe, then confined in the jail at Rushville. "I have come to see you, and see whether you think you can do any thing for him." "I can try." "Oh, if I could have brought with me William Gaston, of our State, I would have been satisfied. I offered him a deed to my farm to come with me and defend my son, but he could not leave home. I must take you, and hope for the best." I was the only counsel feed by the father. My colleagues were employed by the son. Hugh Monroe was indicted for murder. A strong case was made by the testimony against him. It was at least a ridge case that would have justified a verdict of guilty of murder. The venerable father sat by the side of his son with his eyes suffused with tears. The argument lasted two whole days. The counsel for the prisoner were well trained in the field of advocacy, and I never, to this day heard a case more strongly defended. The charge of the Court, though just, was against us, and as the jury retired the old father rose from his seat and advanced to where I was standing, took me by the hand, the tears rolling down his furrowed cheeks, "Oh, Mr. Smith, if they hang my son I

shall go home and tell his old mother that Mr. Gaston could have done no more for him than you have done." His utterance was choked, and with the squeeze of the hand we parted. The jury returned a verdict of manslaughter, sixteen years in the penitentiary, so strong was the evidence against him. As the verdict was pronounced, the father said, "Thank God, his life is spared!" and the tears gushed from his eyes as he approached and threw his trembling arms around the neck of the prisoner. Hugh Monroe was pardoned by the Governor and returned to North Carolina to his aged parents, where he was received like the returning prodigal.

[Saturday Morning, July 11, 1857.

TRIAL OF A REVOLUTIONARY SOLDIER.

Samuel Fields, a Revolutionary soldier, was indicted in the Franklin Circuit Court for murder, for killing Robert Murphy. I prosecuted the case, William R. Morris and John T. M'Kinney appeared for the prisoner. The facts were briefly as follows: The deceased, a constable, in the attempt to serve a writ of *ca sa* on the body of Fields, received a mortal wound with a shoe-knife which Fields had in his hand, of which wound Murphy languished for some days and died. Fields was arrested and confined in jail at Brookville. Court met, and the grand-jury found a bill of indictment for murder against Fields. There was much excitement at the trial; officer Murphy had many warm friends, and the services of the Revolutionary prisoner plead strongly with the people. The jury that tried the case was one of the most select that I have ever seen in one box. The evidence was clear and conclusive, leaving no room to doubt. The defense set up was that the crime was committed under a frenzied state of excitement, to which it was answered by the prosecuting attorney and charged by Judge Eggleston, who presided, that the knowingly killing of an officer, in the discharge of his duty, armed with legal process, and the fact made known to the execution defendant, is murder in the eye of the law. The jury rendered a verdict of guilty, and the court sentenced the prisoner to be hung; the day of the execution was fixed by the court. In the meantime a number of distinguished citizens of the county sallied forth in every direction with petitions for his pardon. Thousands signed them in consideration of his Revolutionary services. The day of the execution arrived; the county in mass surrounded the gallows; the last moment had come, when Gov. James B. Ray stepped upon the scaffold, commanded silence and handed the prisoner a pardon. Great was the sensation; Fields was taken from the platform and conveyed to his home, to live a few years longer to repent of his deeds; and the audience retired with evident disappointment in their countenances at not seeing a man hung.

A GOOSE CASE.

Soon after the above trial I was distinguished by being employed in one of the most interesting, if not important cases that ever occurred in the county. It was an action for slanderous words spoken, charging the plaintiff's wife with stealing the goose of the defendant's wife. The parties were highly respectable. The neighborhood was about equally

divided, and separated into classes, holding no intercourse with each other. The declaration charged that in consequence of the slander the neighbors had refused to have any intercourse whatever with the wife of the plaintiff. Damages $5,000. The case was called. Col. Wallace, Gen. Noble, and Gen. McKinney for the plaintiff; William R. Morris and myself for the defendant. Pleas "not guilty," and "justification." Witnesses on separate sides of the court-house, a few to prove the words; some as to the good character of the parties, which nobody disputed; but the most of the witnesses were females, to prove the identity of the goose in question, as that seemed to be the great point of the case. The law was clear. The speaking of the words was not denied before the jury; but who was the owner of the goose? It soon became evident that the case must turn upon that question, and the utmost tact and ingenuity were displayed by the attorneys, with many side-bar remarks, as the trial progressed. The plaintiff proved by a host of witnesses that he was the owner of the goose—in fact that she was hatched his. We proved that the goose was ours—that we owned her mother and her grand-mother, that they were all white, and had a peculiar propensity to take to the water as soon as they were out of the shell. The case seemed to be about balanced. Court adjourned for dinner with the remark of the plaintiff's counsel that they had but one witness to examine in rebutting. Court met—the plaintiff called his witness, a very respectable looking lady of some seventy years. She took the stand, all eyes were upon her, for she seemed like the President of the Senate about to give the casting vote upon a tie of that body. Plaintiff's counsel: "Madam, how long have you been acquainted with geese, and do you know who owns the goose in question?" It was a bold question and was conclusive to our minds that the counsel knew before they put the question what the answer would be. We felt that all depended upon the answer. The witness raised her "specks" and rubbed the glasses with her hands, and a strong firm voice answered: "I have been more than sixty years acquainted with geese, and I know that this goose belongs to the wife of the plaintiff." This was direct and positive, and the counsel for plaintiff rested. "Take the witness," says Col. Wallace, the leading counsel, triumphantly. Now came the trying question on our part. Should we ask a single cross question. I thought not, but was overruled by my associates, and the fatal question was put, "How do you know that that particular goose belongs to the wife of the plaintiff?" "Because she was a white goose and *paced*. I owned her great-grand mother, and *she* paced, and so did all that breed." This was conclusive; no more questions were asked.

The case was argued at great length and with unusual ability, especially on the side of the defendant, but we were unable to get over the evidence that this was a "pacing" goose. Verdict, one dollar damages. The most remarkable fact in the case was that it did not occur to one of the counsel for the defendant that there never was a trotting goose, until it was too late, and our opponents had triumphed.

KEEPING ORDER IN COURT.

Before I left Versailles there was one other case in which I was employed, but got no fee. We elected a big two-fisted Kentuckian a justice of the peace. He had been a great fighter in his young days. I call him John Lindsay. Soon after he was elected, there was brought before him a man I call Jim Boice on a charge of assault and battery. Jim soon became boisterous, and began to abuse the justice. Squire Lindsay directed him to be quiet; but Jim grew worse and worse until the Squire could stand it no longer. "Jim," says the Squire, "I know little about the power the law gives me to keep order in court, but I know very well the power the Almighty has given me, and so shall you." At the moment the Squire sprang upon Jim, knocked him down and kicked him out of the office. Jim got up, and went to Squire Hodges, his brother-in-law, made an affidavit of the assault and battery, and had Squire Lindsay arrested. I went with him to the justice, and moved to dismiss the case, on the ground that the justice was a brother-in-law to the prosecutor. My motion was sustained, and the justice entered a judgment of acquittal. Boice then went before Squire Leopard and filed another affidavit. Lindsay was again arrested and taken before Leopard. I again appeared for Lindsay, and moved for his acquittal upon the ground that he could not be put in jeopardy twice for the same offense under our Constitution. The justice sustained the motion and the Squire was finally acquitted, and from that time forward there was as good order in the office of Squire Lindsay as in the Supreme Court-room at Washington, where the marshal opens the court with "O yea, O yea," and closes with "God save the United States, and this honorable court."

TEETH IN TESTIMONY.

In an interesting trial at Rushville, in which I was engaged as counsel, my principal witness to sustain the case was a woman by the name of Elizabeth Blackstone. She had sworn positively to the

facts of the case. Messrs. Test and Rariden, the counsel on the opposite side, saw that the case was with me unless they could impeach her testimony. She was a stranger, and none knew her character, good or bad. She had testified, however, that she was in the State of Ohio at a particular time. This was taken down by the counsel, and upon that point they expected to contradict and discredit her. After she left the stand, they called a witness that resided in Illinois to prove that at the time she stated she was in Ohio she was in fact at a dance in Illinois, where the witness was. Elizabeth wore a beautiful set of artificial teeth—a mouth full. She sat some distance back from the witness-stand. The witness from Illinois swore positively to her person, and that she was at the dance in Illinois at the time, directly contradicting her. The counsel gave over the witness to me. Elizabeth whispered in my ear: "Let me ask him a question." "Certainly." She turned her head from the witness, slipped out her false teeth and wrapped them in her handkerchief, stepped quickly up to the witness, looked him full in the face, opened her mouth wide exhibiting a few rotten snags: "Did you ever see me before?" "*No, I can swear I never did.* You looked some like the lady I saw, but I see you are not the same woman. She had beautiful natural teeth." The triumph of "art" in Elizabeth was complete. I afterward learned that she was at the ball, and the first impression of the Illinois witness was correct.

[Monday Morning, July 13, 1857.

A SMALL VICTORY DEARLY PURCHASED.

Soon after I commenced my circuit duties, in 1824, I arrived at Lawrenceburgh, and stopped at the hotel of John Gray. The Circuit Court was to be held next day. After supper a well dressed, good-looking man called upon me to give me a little appeal case against John Ackerman, a farmer living in the northern part of the county. He told his story; the case was in a nut-shell; Ackerman had bought groceries of him in Cincinnati to the amount of eight dollars, and given his note for the amount; had frequently promised to pay the note, but having as often failed, the suit had been brought before a justice of the peace against Ackerman to recover the eight dollars and a few cents costs.—Ackerman appeared, by his lawyer, and filed a plea of "non assumpsit" upon oath, and there being no evidence to sustain the case, judgment was entered for the defendant, of course.

Some three months afterward the plaintiff heard of it and appealed the case, and had with him all the witnesses to prove it in court. The next day the case was called, and Messrs. Lane and St. Clair moved to dismiss the appeal, because it was not filed in time. Our statute then required appeals to be filed within thirty days of the date of the judgment to give jurisdiction to the circuit court. Judge Eggleston remarked that he had no discretion, the appeal must be dismissed, but considering the small amount involved, and the nature of the defense, he would suggest that it would be better to let a judgment go. I then proposed to defendant's counsel that if they would let me take judgment for the eight dollars and costs, the case should there end. After a moment's consultation with their client my proposition was rejected, and the appeal was dismissed by the court, at the costs of my client, and Ackerman left the court-room laughing over his triumph. But the end was not yet. The grand-jury was in session. I prepared an indictment for perjury against Ackerman for his oath in swearing to the plea before the justice. The evidence was clear and conclusive. The bill was found and returned before dinner. I quietly took out a bench-warrant and before Ackerman had left town he was arrested by John Spencer, the sheriff, and brought into court. His counsel, Messrs. Lane and St. Clair, immediately offered bail for his appearance from day to day—during the term the recognizance was entered, and the counsel remarked; "Ready for trial." "So is the State; let a jury come."—The sheriff put a jury in the box. Walter Armstrong was foreman. Court adjourned till morning. The trial came on early. The evidence was heard. I opened the case briefly; Mr. Lane followed

with a powerful speech, but the evidence had "prejudiced" the jury against his client, and I had nothing to do but to sum up and read the statute punishing the offense. The court charged—the jury returned a verdict of guilty—two years in the penitentiary. Ackerman was called to hear judgment, but failed to answer. The recognizance forfeited, a capias ordered returnable to the next term. In vacation Ackerman was arrested, a motion in arrest overruled by the court, and Ackerman sentenced to the penitentiary at hard labor for two years. His farm was sold upon the forfeited recognizance, and his personal effects to pay his lawyers. I sketch this case for its moral.

A SHERIFF OUTWITTED.

In early times, before the first land-sales of the beautiful Whitewater valley, where Connersville, Liberty, Cambridge City, Centerville and Richmond now stand, there lived upon the east bank of Whitewater, a mile above Connersville, a most remarkable woman by the name of Betty Frazier. She was a small, tough-looking, rather swarthy woman; her husband, George Frazier, was a poor cripple, and with their children was entirely supported by Betty. They had settled upon a small fraction of government land, intending to purchase at the sales. The land-office was at Cincinnati, and General James Findlay was the Receiver. The spring of the year, after a severe winter, had come; the sales were to take place the next winter, and Betty had the season before her to raise the money to pay for her land. She commenced with a young stock of hogs, caring for them daily, driving them to the best mast, and preparing a good patch of corn for the fattening process. She had one horse only to tend her crop, and to ride to Cincinnati when she drove her hogs down to sell, and buy her land.

One day about mid-summer she saw a horseman ride up to her cabin in full uniform. She met him at the bars: "Well, General Hanna, how do you do?" "Very well, Mrs. Frazier." "What on earth has brought you all the way from Brookville to my poor cabin?" "I am very sorry to tell you, Mrs. Frazier, that I am the sheriff, and have an execution against your property." "Well, General, I always submit to the law; come with me to the stable and I will give you my only horse as the best I can do." There were no "exemption laws" then. Betty and the General proceeded to the stable. It was a strong log building with a single door, no window, overlaid with a solid platform of logs, and filled above with hay for the horse. The door fastened outside with a large wooden pin in a log. "There, General, is the horse—take him." The General stepped in and commenced

untying the horse. Betty immediately fastened the door outside, driving the pin into the hole to its full length, and left the General to his reflections while she attended to her household affairs. Time passed away; night came on; but no relief to the captured General. Morning came, and with it came Betty. "Well, General, how did you sleep last night." "Not very well. I am ready to compromise this matter; if you will let me out and show me the ford over Whitewater (the river was muddy and high), I will leave you and the horse and return the execution 'no property found.'" "Upon honor?" "Yes, upon honor." Betty opened the door. The General mounted his horse and silently followed Betty down to the river side. "There, General, you will go in just above the big sycamore, and come out at that haw-bush you see." The General started; at the second step both horse and rider were under water out of sight, and the chapeau of the General was seen floating down the river. Still, he being one of the pioneers, and his horse a trained swimmer, gallantly stemmed the current, and exactly struck the haw-bush, his horse swimming to the very shore, while Betty stood on the bank screaming—"I guess the Brookville officers will let me alone now till I have sold my pigs and bought my land." The General rode on dripping wet to his brigade that mustered that day. But the end was not yet. Time rolled on; the pigs grew to be well fatted hogs. Betty mounted her pony; the little boys started the hogs for Cincinnati; they had ten days to get there before the land-sales; the distance was about seventy miles. Nothing unusual occurred on the road until they arrived at New Trenton, at Squire Rockafellow's. The night was stormy; the snow fell deep; next morning found Betty at the usual hour on the pony, well wrapped, with *an infant a few hours old in her bosom.* She arrived with her hogs at Cincinnati the day before the sale, sold them for cash, and the late General Findlay told me that she stood by his side on the box and bid off her land, with her infant in her arms. Surely "truth is stranger than fiction."

A BREACH OF PROMISE CASE.

Soon after the county of Union was organized, I was employed by a little, hump-backed fellow, some twenty-five years of age, certainly one of the most perfect libels on creation that I had seen, to defend him against an action for breach of marriage contract. I confess I felt some curiosity to see the woman that would consent to marry him, much less sue him for refusing to say "yes" to the question of the Squire. Court arrived; the usual declaration, laying special damages for divers, to wit, one hundred suppers, and calico dresses too numer-

ous to mention, all preparatory for the wedding, was filed. It was a pure breach-of-promise case, without the common aggravation. Plea "non assumpsit;" James Perry and James Rariden for plaintiff, and myself alone for the defendant. My client whispered "there she comes." I turned my eyes and sure enough there she was, a most beautiful girl, large, rather fleshy, raven hair, dark eyes, rosy cheeks, a mouth filled with beautiful white teeth. She walked gracefully forward and took a seat by the side of her counsel. A jury was impanelled; Judge Perry opened, with an eloquent address to the jury, and closed by asking the full amount of $5,000 claimed in the declaration. The witnesses clearly proved the marriage contract, which in fact my client did not deny; one white muslin and two red calico dresses were positively proved, worth eight dollars, and there was some evidence, but not satisfactory, of a gingham dress with broad stripes. About the supper there was no question; it was proved beyond controversy, or the powers of argument, or in the language of Gen. Cushing it was a "fixed fact." Great preparations had been made; one turkey and six chickens had been roasted whole, large dishes of beans and potatoes, with a boiled ham, turnips and boiled cabbage in profusion. The old lady dwelt with evident delight upon the big custard pie that she had made "with her own hands," such as no other woman in the neighborhood could make, "though she said it herself." All this looked bad for my client and my case. "We rest here." "No evidence to offer," said I; all I had was before the jury, in what the lawyers called "profert in curia." The case was opened by Judge Perry, with a most brilliant speech of some two hours. I followed and made only two points in the case; *first*, that the plaintiff had sustained no damages in consequence of my client breaking his engagement, as she could marry a much better looking man any day; and *second*, that the dresses would be needed in courting other sweethearts, and the supper was eaten by the intended bride and her friends, and my client got none of it. Mr. Rariden in the close assailed with all his powers my positions, but seemed to press upon the jury the dresses and the extra "fixens" for the supper. The Court charged the jury with usual ability; but the moment the judge touched the extra dresses and the supper, I saw that it was all over with my case. Foreman.—"We find a verdict for the plaintiff, eight dollars for the dresses, and three dollars and a half for the supper, total eleven dollars and fifty cents." The Court.—"Judgment on the verdict." "Gentlemen of the jury, you are discharged till morning, with the thanks of the Court for your just verdict in this important case."

[Tuesday Morning, July 14, 1857.

A LAWYER'S MANEUVER.

At the first term I attended at Vevay, I was employed by John H. O'Neal to defend him in an action of assault and battery by Thomas Mount. My client was a stout young man, and Mount an old man of quite inferior strength.—I was satisfied from the statement of my client that it was an aggravated case. The counsel for the plaintiff, John Dumont, Steven C. Stevens and Amos Lane, my client told me, were to have half the damages as their fee. I knew, and had reason to fear their powers in such a case, with the stimulus of a "contingent," especially if they had the close of the argument before the jury. The case was called, and I filed the plea of "*son assault*" alone, to which they replied "*de injuria*," giving me the opening and closing of the argument. The cause was continued and at the next term referred to arbitration, and the term following an award was returned against my client for $1,000 damages; but the arbitrators had neglected to be sworn. The award was set aside on my motion at the next term, and the cause immediately called for trial. "Ready," said the plaintiff's counsel. "Ready," said I. A jury was immediately impannelled. I commenced the case without a word to the jury as to my expected proof. "Sheriff, call William O'Neal." The witness was sworn and took the stand. "William, will you state to the Court and jury what you know of an assault and battery committed by Thomas Mount on your brother John H. O'Neal, in Dearborn county, about three years ago?" "Stop! not a word!" said Mr. Lane, rising and addressing the Court. "We object to any evidence of any other assault and battery than the one laid in the declaration, in Switzerland county, and especially of any one that took place more than two years before this suit was commenced." Judge Eggleston—evidently without his usual reflection—"The witness will confine himself to the case in Switzerland county." "I except." The witness knew nothing of the actual case before the jury, and retired. The plaintiffs then proved a most aggravated case, and the jury retired under the charge of the Court. Judge Eggleston sat silent upon the bench, with his head resting upon his hands, for a few minutes, then raising his head: Mr. Sheriff, bring that jury into court." "Gentlemen of the jury, the Court erred in rejecting the offered evidence of the assault and battery in Dearborn county. This is not a local action. The statute of limitations is only a bar in a civil action where it is pleaded; there is but one count in the declaration, charging but one assault and battery, and that the defendant has justified by his plea; there is no new assignment or

replication of aggravation; the proof offered should have been admitted, and under the circumstances, although somewhat irregular, although the fault was with the Court, we will hear the evidence now." The proof of the assault in Dearborn, on my client by the plaintiff, was positive; and the jury, under the charge of the Court, returned a verdict for the defendant. In the mean time the statute of limitations had run against the Switzerland case, and no other suit was afterward brought. It is due to the distinguished counsel to say that they had no idea or intimation that there had ever been any difficulty between the parties, except the one for which the suit was brought.—That fact was our only defense, and was kept a secret from the plaintiff's attorneys, or they would, of course, have defeated the defense.

A DOGBERRY.

Shortly after this case, came on to be tried before the associate judges, Fugit and Atkinson of Decatur Circuit Court, a case against a man for refusing to work his two days on a school-house, the statute requiring each "able-bodied man" to work his two days. The case came up on an appeal. The facetious James T. Brown for the defendant, and I had the good luck to be employed by the school commissioners. The case was important, as there were several other refractory cases waiting the result of this one. The case was submitted to the Court; the evidence was conclusive, and I opened to the associate judges, for the plaintiff; Mr. Brown arose with the greatest apparent confidence, addressing the Court, "There is one point in the case that is conclusive against the plaintiff." "What is that?" says I. "You have not proved that my client is an able-bodied man." As he said it his client walked up and stood directly fronting the judges. He was a man about six feet high, square-shouldered, with an arm as large as the leg of a common man, red head, wearing immense whiskers (mustaches were confined at that day entirely to the French barbers). "Mr. Brown," I said, "is that man your client." Brown gave him a contemptuous look. "Yes sir." "Do you contend that he is not an able-bodied man?" "May it please your honors, I do not wish to pivot my case on that point." The argument closed; the case was with the Court. Judge Fugit, "Mr. clerk hand me the papers; the jury will be discharged till morning, as it will take the Court all the afternoon to decide this case." The judge spread the papers and looked them over for some time, and at length began by reading aloud the summons, the subpenas for the witnesses and returns of the constable and sheriff. "There is some informality, but the Court thinks

they will do. We now come to the great question of the case: is the defendant an able-bodied man? Yes, Mr. Brown, that is *the* question. You plead well on that, but it was nothing but the plea of a lawyer; you admitted that the man that stood before us was your client, and the Court will take notice '*fishio*,' as the law books say, that he is an able-bodied man, and no mistake; judgment for two dollars." This was the great leading case, and settled all others. My clients paid my fee of five dollars, congratulated me upon the result, and years afterward gave me their united support for Congress.

A FAMILY DIFFICULTY--HOW IT WAS SETTLED.

After I went to Connersville, I purchased a farm below town; and built the house the present residence of my friend, Samuel W. Parker. The builder, Richard Miller, was laying the foundation one morning when my next neighbor, Capt. Larkin Sims, who owned the farms immediately adjoining mine, came to where I was standing. "Good morning Mr. Smith; you are building a new house. It is said that lawyers' houses are built on fools' heads, but you will never get my head under this foundation." "I hope not, Captain," and he passed on. Some weeks after the Captain came to my office, and reminded me of what he had said; "But," says he, "I have come to fee you—myself and wife can not live together any longer." "Why Captain, what does this mean, you have got one of the best wives I know among all my neighbors. I will call down this evening and see you both—there certainly can not be any thing irreconcilable between you." The Captain left without a word of reply, and that evening I walked down to his house. I was met at the door by the Captain and taken into his parlor. Sally, his wife, soon came in, and seemed glad to see me. Each party related their disagreements, with the cause, not forgetting the most minute particulars. The principal cause of the difficulty, at least on the surface, was, that one morning Sally requested one of her sons to take up the ashes from the fire-place. The Captain sent him off to plough, and Sally took up the ashes herself. I decided that the Captain was in the wrong. He smiled and said nothing, but Sally, perhaps too warmly, applauded my judgment. I then began to suspect that there was more at the bottom than the ashes. Some days after, the Captain called and required me to file a bill for divorce, on the ground that their difficulties were irreconcilable, and they could no longer live together. They had ten grown children, several of them married, with families. The bill was filed, the divorce granted, the property and

children equitably divided, and Sally moved to the house, and part of the farm assigned her. The Captain kept the homestead, soon after married a young woman in Rush county, and brought her home; but the end was not yet. The Captain was soon laid low, as all believed, upon a bed of death: his young wife refused to nurse him, and took her household goods and left. Sally heard of his condition, went to his house, nursed him by day and by night, watched over, comforted and encouraged, as in their former days. The Captain was finally restored to health, obtained a divorce from his young wife, and a few weeks afterward, the second marriage was solemnized between those, who should never have been separated. They sold their possessions, and removed to Missouri; the Captain was soon after taken sick, and died, and his faithful wife, after nursing him through his last sickness, closed his eyes, and followed his remains to his last earthly resting-place.

[Friday Morning, July 17, 1857.

VARIETY.

Lest the variety of these sketches should invite criticism, let it be remembered that one of the greatest mysteries presented to our minds is the unlimited variety stamped upon all created things. Ask the astronomer if he can point to two stars in the firmament of the same magnitude and brilliancy. Ask the mineralogist if he can find two pebbles precisely alike in every particular, and then step into the Hall of the House of Representatives at Washington, and after looking at those columns of beautiful pebble marble that support the dome, answer the question for yourselves. Ask the botanist if he ever finds two flowers, or even two leaves, that would bear the application of the microscope, and still be alike in every particular. Ask the pilot at the helm if he ever crossed the Atlantic in successive voyages, with even the trade winds blowing upon his sails, with precisely the same force. Ask the navigators of the polar seas, if ever they saw two icebergs of precisely the same altitude and dimensions. Ask the divine if ever he preached two sermons from the same text precisely alike in manner and matter? Ask the farmer if he ever saw two fields of wheat with precisely the same number of heads of precisely the same length, and containing the same number of grains of the same size. Ask the anatomist if ever he saw two human skeletons alike in all particulars. Ask the surgeon if he ever saw two fractures precisely alike. Ask the physician if he ever had two cases that were entirely alike in every particular. Ask the mental philosopher if he ever knew two minds precisely alike; and then ask yourself, reader, if ever you saw two faces that were exactly alike, after you became intimately acquainted with them. If these questions be answered as they must be, then it follows that as mind governs the action of men, the same variety is stamped upon all human actions, and hence the unlimited variety of actions that are being tried in all the courts of the civilized world.

The unwritten common law has long since been declared by Lord Coke, a great English jurist, to be "the absolute perfection of reason." It is understood by all courts, whose minds can arrive at that perfection. The statute laws are continually changing, and present a part of that endless variety that occupies the time of the courts. Modern legislators are not content to let the established and well understood statutes remain, but under specious pretexts, as to "reform and simplify the laws," as in this State, introduce innova

tions that will take years to understand, and cost suitors millions to pay the expenses of re-educating the lawyers. There never was very great difficulty, on the part of a well-trained, legal mind, in deciding what the law is abstractly. The great difficulty is in the application of the law to the particular case. The same remark applies with equal force to the medical profession. I had a beloved brother, Moses B. Smith, M. D., of Philadelphia, whose remarks to me some years before he died I can not withhold. I had been absent from Pennsylvania—my native State—some eleven years, and returned a member of the twentieth Congress from the Third Congressional district of Indiana. The subject of the West naturally came up, and with it the practice of medicine. My brother was a physician of great experience and of a high reputation—a student of Dr. Chapman, and a graduate of the Pennsylvania University. "Brother Oliver, I learn that the Homeopathic physicians are getting into the West." "They are, and some like them very well." "Let me give thee (he was an Orthodox Quaker) a word of advice growing out of my long experience." "I will gladly receive it." "In selecting your family physician, take a regular old-school graduate, but of the best common sense. I would rather trust my life with a strong, vigorous, common-sense Homeopathic or Thompsonian doctor, as much as I am opposed to their system, than with the most scientific Allopathist, who looks to his books alone, without the judgment necessary to make the application of his reading. Almost every thing depends upon the judgment in the application. Two physicians, regular graduates, may take similar cases, and hold in their hands the same medical work, describing and treating the disease. The one will let his patient die, while the patient of the other will get well. My next advice is, never employ a physician who does not be punctual to the minute in his appointed calls. I owe much of my success to a strict observance of this rule. The mind greatly controls the success of the remedy, and nothing affects a patient more than to be disappointed by his physician in his calls."

So it is in the practice of law. Every thing depends upon the application of the law to the facts of the particular case, and the variety of these facts, will continue to keep the courts in session throughout the civilized world to the end of time. The best lawyer is he who sees his case in all its phases, so as to distinguish it from all other cases, and be able to point out clearly to the mind of the court and jury, the difference or similarity in principle, between his case, and some other case in the reported decisions, that may seem to be against him.

LORD MANSFIELD.

WHILE the profession should spend their lives in the study, it is to be regretted that too many of our young lawyers leave off before they have fairly begun. Some years ago I was kindly invited by the Senior class about to graduate, to deliver the address at the commencement of the State University at Bloomington. Dr. Wylie was then President. I was at the time a United States Senator. A called session was about to commence, and I had to decline the invitation. But I took the occasion to address the young gentlemen in a note, thanking them for their invitation, in which I called their attention to an anecdote of Lord Mansfield, and a young British lord, who had recently received his diploma as a counselor at law. They were sitting on opposite sides of the table at a hotel in London. Lord Mansfield.—"My Lord, will you refresh my recollection of the time the late murder was committed on London Bridge?" "I recollect the time perfectly, it was the same night that I *finished* my studies." "Indeed, and have you finished your studies. You must be a remarkable young man, my Lord, to have finished your studies so young. I have been forty years at the bar, and on the bench, and I have scarcely begun my studies." The rebuke was deeply felt by the young lord. Without a word, he rose, bowed to Lord Mansfield, and retired from the room. This young Lord was at a late period of his life one of the justices of the court of Kings' Bench, and a profound scholar.

SARGEANT TADDY.

PARDON me, while my mind is across the great waters, for giving a characteristic anecdote of Sargeant Taddy, one of the most eminent practitioners of the King's Bench. The Sargeant indulged in a glass of wine at dinner, but was one of the best read of the class of students that applied to the court for admission with him. The custom then was to examine the applicants for admission in open court, before robed judges with their wigs and cocked hats on. The judges asked the questions in person, selecting the most difficult, and always requiring a perfect knowledge of the history of England before a license would be granted. The court met to examine the applicants. The class was composed of Taddy, Scarlett, and many other of the first minds of the age. Sargeant Taddy.—"May it please the court, will your lordships permit me to make a single request before this examination commences?" Chief Justice.—"Most certainly." "It is simply this: I hope your lordships will bear in

mind in this examination, that it is easier to ask a question than to answer it." The examination commenced and lasted hours. It was thorough, and the class being able to receive their diplomas, presented their lordships with a glass of wine, as was the custom of the day. The Chief Justice.—"Mr. Taddy, we have not forgotten your request; do you think you could ask the court a question they can not answer?" Taddy, bowing—"Shall I try?" "Yes, we will hear you with pleasure." "I will ask your lordships a question that must be familiar to you all, as it is in the history of England, I presume. Who was god-father to the first Prince of Wales?" Their lordships passed the question around, tried to refresh their recollections, and took another glass of wine. Chief Justice.—"We give it up, Mr Taddy; not one of us can tell. Who *was* god-father to the Prince?" Taddy, with a triumphant smile on his countenance—"I have no knowledge whatever, my lords, upon the subject; I merely asked your lordships for information." Another glass, and Sargeant Taddy was ever afterward a special favorite of the King's Bench.

At the time referred to it was the custom in England, and up to a much later date in America, for both judges and lawyers to indulge freely in rich dinners, wine parties and cards. When I commenced riding the Third Circuit, it was the universal custom of the judges and bar, to meet after supper, in some upper room of the tavern, and play cards and drink, sometimes till near morning. I had never played a card in my life, nor did I touch a drop of spirits, and although I was one of the young attorneys, I set my face, my example, and my kind reproofs of the brethren of the bar, against their practice. I have lived to see it gradually give way, and finally cease—I trust and hope for ever.

[Saturday Morning, July 18, 1857.

A MAL-PRACTICE CASE———A LEARNED WITNESS.

At a term of the Rush Circuit Court, came on for trial an important case against Dr. Sexton for mal-practice, in failing to cure a case of whitlow on the plaintiff's finger. The doctor was one of the first surgeons in the State. I was employed to assist my young friend, Charles H. Test, in the defense; Amos Lane and James T. Brown for the plaintiff; damages claimed $10,000; Bethuel F. Morris and his "side judges" on the bench. It was admitted that the fingers of the hand in question were drawn to the palm, and entirely stiff, when Dr. Sexton was first called. Preparatory to the trial, the doctor had placed in my hands "Bell on Surgery," giving me an opportunity to understand his case. The prosecuting witness was a little pock-marked Irish doctor, whom I call by the uncommon name of Smith. He had been but a few years from the Emerald Isle, with a "rich brogue" upon his tongue, and a good spice of the blarney, and withal a very laudable ambition to become the competitor of Dr. Sexton.—Like death "he chose a shining mark." He professed to be a regular graduate from a college in Cork, and with the most significant look would draw from his pocket a round silver medal, upon which was stamped "Dr. Smith, diploma," and exhibit it to the gaze of the people. The doctor would have succeeded well had he confined himself to a country practice, and, as my ancient friend, Jeremiah Cox, of Richmond, said in the senate, to "common doctoring with pills and powders, and let surgenary alone." It seemed that he had heard of this whitlow case, had got up the prosecution against Dr. Sexton, and now stood upon the witness-stand as the main, and indeed only witness for the plaintiff. He clearly testified to the mal-practice of Dr. Sexton, and most triumphantly pointed to the stiff fingers. "What more do you want but the hand ye see?" The plaintiff rested, and my duty of cross-questioning the Doctor commenced. "Doctor, you say this was mal-practice." "I do, sir." "Are you a regular surgeon?" "I suppose I am." "Have you a diploma?" "I have, sir." Will you let me see it?" "I will not, sir." "It is in your pocket, is it not?" "It is, sir." "Then hand it out." Counsel for plaintiff.—"We object; it is a private document, and no notice has been given to produce it, nor has a subpena *duces te cum* been issued." The Court.—"Objection sustained." "Well, Doctor, is not your diploma silver, about the size of a dollar?" "Suppose it is—what's that to you." "You swear that this was mal-practice; do you understand that the muscles were contracted and the fingers stiff, with the ends drawn into the palm of

the hand, when Dr. Sexton first called?" "I understand so." "Do you think you could have straightened the fingers and given elasticity to the joints in that state?" "Certainly." "What would you have applied to the case?" "A poultice of slippery-elm bark." "Doctor, what character of whitlow was this? Was it seated under the cuticle near the root or side of the nail, or in the cellular membrane under the cuticle, or in the theca or sheath of the flexor tendons, or in the periosteum." It was evident that this question struck the Doctor all aback. It was, in the language of my facetious friend, Jas. T. Brown, on another occasion, "all Greek and turkey tracks," to the witness. Witness greatly confused, large drops of perspiration falling from his chin, and looking imploringly at the Court, "Must I answer such questions? I did not come here to be examined as if I was before a College of Physicians asking a diploma!" Judge Morris.—"The question is proper, the witness must answer." "I shan't answer—the Court may send me to jail." It was apparent to me that the doctor thought he could not make his position worse than it was becoming on the stand, and that going to jail would be a fortunate escape. "You could answer if you would, doctor." "Certainly I could, in a moment of time." "But you wont do it?" "Not I." "Doctor, do you think this was a case of Paronychia?" "Of *what* did you say?" "Of Paronychia?" "I shan't answer." "You could answer if you would, Doctor." "Surely I could," stepping about on the floor, and becoming more agitated. "Doctor, might not this have been a case of *onychia maligna*?" "I shall answer no such questions." "You could answer if you would." "In a minute." "Don't some of the authors that you have read, speak of the disease under the divisions I have named?" "I believe they do." "Which of them, Doctor?" "I shan't answer." "You could tell me if you would." "Yes sir, I could name fifty of them." "Please name one?" "I shan't do it." "Doctor, do not some of the authors you have read, say that in certain stages of the disease, it is proper to use lunar caustic and other escharotics?" "I tell you I shall answer no such questions." "You could give me the names of the authors if you would, Doctor." "Indeed could I, as long as your arm." Here the counsel for the plaintiff rescued the doctor. "May it please the Court, we will press this case for the plaintiff no further; let the jury find for the defendant in the box." Verdict and judgment accordingly.

A QUEER CLIENT.

JUDGE MORRIS.—"The case of Israel Cox *vs.* James Greer." "Ready," says Mr. Charles H. Test, for the plaintiff. "Ready," said I, for the defendant. This was an action of slander brought by Cox against Greer for charging plaintiff with stealing defendant's hogs. Plea, not guilty of speaking the words. Greer was an old, peaked-nosed, lantern-jawed man, with a head resembling an old possum and an eye as keen as a rat's; he was generally about half drunk. The jury was sworn, the plaintiff's witnesses proved equivalent words to those laid in the declaration, but not the exact words. I had taken the words down, and had the dog-ears turned down in Espinasse to show that the proof of equivalent words will not do. The evidence was closed. Judge Test had addressed the jury in a most eloquent speech of some two hours, repeating Shakspeare, "He who steals my purse steals trash, but he who filches from me my good name takes that which naught enriches him, but makes me poor indeed." The court-room was in a little low log cabin on the west side of the public square, with only one window, and a pane of glass out of the lower sash. I rose with my back to the window, stated the issue, and in a loud voice, "Gentlemen of the jury, the Court will tell you that proof of equivalent words won't do; I say you must find for the defendant; there is no proof that he ever spoke the words." I paused and at the moment my voice ceased in the room, old Greer, my client, run his head through the vacant sash by my side, and roared out at the top of his voice, "Smith don't lie; I did say he stole my hogs and I will never deny it." I turned to the court, "I do wish the court would send my client to jail, he has been drunk and crazy ever since this case has been in court against him." Judge Morris.—"Sheriff, take him to jail and keep him there until the trial is over." "As I was saying, gentlemen, there is no evidence before you that the words were ever spoken by my client. You must be governed by the evidence given in upon oath." My position was ably met and contested by the closing counsel, but the Court charged with me, verdict and judgment for the defendant, and I had my client discharged from jail after court adjourned, without resorting to a writ of habeas corpus.

PREJUDICIAL EFFECT OF EVIDENCE.

JUDGE MORRIS.—"the State *vs.* Chas. Malory, for larceny." "Ready for the prisoner," says James T. Brown. "Ready for the State," says the county prosecutor. The charge was for stealing a horse. The

prisoner had assured Mr. Brown that there was not the least shadow of evidence against him. Brown had taken, or rather been promised, a fee contingent upon his acquittal, and took his seat by the side of the prisoner with apparent confidence. The jury was soon impanneled, and the owner of the horse testified that the animal was taken out of his stable at night; that a light snow had fallen, and next morning he tracked the horse from the stable door, followed the track some ten miles at a rapid pace, and overtook the prisoner on the horse, tied his legs under the animal, brought him back, and put him in jail. The prosecutor rested, and waived the opening speech. Mr. Brown arose. "May it please the Court, gentlemen of the jury, one short hour ago I could have addressed you with pleasure and entire confidence in the innocence of my client, but since that time the evidence has been heard, and I must confess that it is well calculated to prejudice your minds against my client." Verdict of guilty—sentence two years to the penitentiary.

[Monday Morning, July 20, 1857.

EARLY PRACTICE--SPECIAL PLEADING.

Quite early in the history of the courts in the Third Circuit, the science of special pleading, as taught by the first edition of Chitty, and Saunder's Reports, was made the daily study of the bar. Daniel J. Caswell and his partner, William C. Drew, were at the head of the special pleaders, and soon became a terror to all plaintiffs, and their attorneys. It was said that on one occasion they pasted a general demurrer on the back of the docket at Versailles, and got five dollars from each defendant for continuing each cause, with leave to the plaintiffs to amend by the next term. Such was the alarm, when they were employed, that old John Allen, of Franklin county, called up Judge John Test, his lawyer, about midnight one stormy night, took him around the corner of the house, and whispered in his ear—"John, beware of them demurrers; I heard Caswell talking about my case." One of these demurrers was argued a whole day by Charles Dewey and Harbin H. Moore, two distinguished lawyers, before the associate judges of Clark county. Mr. Moore closed the argument in a powerful speech. One of the associate judges, who had just waked up—"Mr. Moore, do I understand that a demurrer means a dispute?" Moore, with great indignation and contempt—"Yes, your honor." "Then the opinion of the Court is that the demurrer go." Moore.—"Which way shall it go?" "Mr. Moore, I will let you know that you are not to ram your rascality down the jaws of justice in this court; take your seat." This was conclusive, and the entry was "the demurrer go."

JOHN B. WELLER'S CASE.

While we practiced on the Indiana side, upon the strict rules of pleading of the Kings' bench, on the Ohio side they were on the other extreme, and maintained a kind of a quasi "oretenus" system. A citizen of Wayne county went over to Hamilton, Ohio, purchased several barrels of salt, and gave his note, under seal, for the amount—some sixty dollars. Failing to pay the note, suit was brought in the Wayne Circuit Court upon it. I was employed for the defendant, and John B. Weller, now of California, appeared for the plaintiff. The rest of the Indiana bar agreed to stand off, in word and deed, and see the result. I was to have five dollars for each time I could continue the cause. The case was not reached until near the close of the term, but was ultimately called. Mr

Weller.—"I demand judgment." "I ask oyer of the note." Judge Eggleston.—"The oyer must be furnished." Mr. Weller.—"I forgot to bring the note with me; I must continue the cause." "I consent without an affidavit," and cause continued. Case called at next term. Mr. Weller.—"I have the note, and demand judgment." "I file ten special pleas and ask a rule to reply." Weller.—"I ask copies of the pleas, and ask the rule for replications to operate at next term." "I shall not object." Cause continued and copies furnished. The next term; Case called. Weller.—"I file a replication to one plea and demurrers to the other nine." "I join in demurrer." Case argued. Judge Eggleston.—"Demurrer sustained to four pleas, and overruled as to five." "I ask leave to amend the four pleas." Judge Eggleston.—"Leave granted." By this time the case was so mixed up in special pleading that my young Ohio friend was completely *hors de combat*, and came across to my seat with a compromising look: "Well, Mr. Smith, what will you do to end this vexatious case?" "Let the cause be continued and you may take judgment at the next term on the note." We had no defense—the note was just. "Agreed." Cause continued, and at the next term judgment was entered accordingly, but the end was not yet. Mr. Weller published me in one of the Hamilton papers as one of the most troublesome litigious lawyers he had ever met.

THE END OF THE MILITIA SYSTEM.

In the early history of Whitewater, the military spirit ran high and all aspirants for honors and places were solicitious to make stepping-stones of militia offices. But in time the military spirit began to abate, and officers to resign. One instance I recollect: Our statute required all inferior officers, to serve five years, unless the brigadier general, for sufficient cause, would accept a resignation. Capt. William R. Morris, of Brookville, tendered his resignation to Gen. John T. McKinney, and assigned his reasons. "First, I am not fit for the office; second, the office is not fit for me." Gen. McKinney.—"Resignation accepted on the first ground." The whole system seemed to be on its last legs, when all at once arose into public notice, in the county of Wayne, the man for the occasion, in the person of Major Lewis. He was a young man, like Julius Cæsar, of a weak body, but with the military ambition of a Charles XII. Although but a lieutenant he became a candidate for major, and having no opposition was triumphantly elected. The first step of the Major was to provide himself with a splendid blue uniform

coat, covered with gold lace and large gilt-eagle buttons; a coat that Napoleon himself might have worn while commanding at Austerlitz; a chapeau, in imitation of the one worn by Gen. Jackson at the battle of the Horse Shoe, surmounted by a towering red plume, with a white tip; epaulets that might have graced the shoulders of Blucher as he led the Prussian army to the aid of Wellington at Waterloo; a true Damascus blade in its brilliant scabbard, reaching to the feet; boots of the Suwarrow order, reaching up to his seat, with a pair of gold-plated spurs with shanks a foot long. The great military parade, which was to revive the spirit of the revolution, was soon to come off, near the east fork of Whitewater, under the command of Major Lewis in person. Captains were required to be early in the field, with their respective commands, "armed and equipped as the law directs." The great and memorable day at last arrived. The parade-ground was early filled with waving plumes and crowds of anxious citizens. The aid-de-camp of the Major came galloping into the field in full uniform, directly from head-quarters, and halted at the marquee of the adjutant. In a few minutes the order from the Major was given, in a loud military voice, by the adjutant mounted on a splendid gray charger: "Officers to your places, marshal your men into companies, separating the barefooted from those who have shoes, or moccasins, placing the guns, sticks and corn-stalks in separate platoons, and then form the line, ready to receive the Major." The order was promptly obeyed, in true military style, when at a distance Major Lewis was seen coming into the field, with his aids by his side, his horse rearing and plunging, very unlike old "Whitey" at the battle of Buena Vista. The brilliant uniform of the Major and his high waving plume pointed him out as distinctly as the military bearing of my friend James Blake, when marshal of the day in after years at Indianapolis, marked him to the eye of thousands, who were looking for General William O. Butler, and who recognized the General at once. The line was formed; the Major took position on a rising ground, about a hundred yards in front of the battalion; rising in his stirrups, and turning his face full upon the line—"Attention the whole." Unfortunately the Major had not tried his voice before in the open air, and with the word "Attention" his voice broke, and "the whole" sounded like the whistle of a shrill fife. The moment the sound reached the line, some one at the lower end, with a voice as shrill as the Major's, cried out "Children, come out of the swamp, you'll get snake bit." The Major pushed down the line at full speed. "Who dares insult me?" No answer. The cry then commenced all along

the line, "You'll get snake bit, you'll get snake bit." The Major turned and dashed up the line, but soon had sense enough to see that it was the militia system that was at an end, that it was not Major Lewis that was the main object of ridicule. He dashed his chapeau from his head, drew his sword and threw it upon the ground, tore his commission to pieces, and resigned his office on the spot. The battalion dispersed, and militia musters were at an end from that time forward in the Whitewater country.

SHARP PRACTICE.

To the credit of the young lawyers in those days, they almost committed to memory the few books we had, not forgetting the constitution of the State. Among the most industrious and learned was my friend Cyrus Finch, of Centerville, who died young. We had a little pass before the associate judges of Wayne county: that the profession will appreciate at this day. The case was an assumpsit. I was for the defendant, and Mr. Finch for plaintiffs. He proved that my client had promised by parol to pay a debt another person owed his client. The evidence closed; I thought I "had" him, and took up the statute and read to the associate judges from the chapter on frauds and perjuries—"No action shall be brought to charge any person upon any promise to answer for the debt, default or miscarriage of another, unless the promise is in writing, signed by the party to be charged." This I supposed settled the case, but not so. Mr. Finch.—"Hand me that book. If the court please, that law is void under the Constitution of the United States; it reads, 'No State shall pass any law impairing the obligation of contracts.'" I saw I was gone. The Court.—"The Constitution of the United States must prevail: judgment for the plaintiff."

[Tuesday Morning, July 21, 1857.

CASE OF ARSON—KENTUCKY PRACTICE.

Before taking up the Fall Creek trials for the murder of the Seneca Indians, I will continue the recollections of some lighter cases. I have sketched an incident upon special pleading with a distinguished member of the Ohio bar, and have stated that the Indiana bar, in that science, were the closest practitioners. We had the pleasure often, also, of meeting the gentlemanly lawyers from the Kentucky side of the river, in our courts in Dearborn and Switzerland, and of seeing their mode of practice. I found their forte to be in speeches to the jury, and not in watching the evidence in its introduction, as we did on the Indiana side. At a term of the Dearborn Circuit Court, a colored boy was indicted for arson in burning the barn of General Pike, near Lawrenceburgh. I was attorney for the State, and Messrs. Vawter and Armstrong, of Boone county, Kentucky, appeared for the prisoner, under some understanding that they were to have the boy for a term of years upon his acquittal. The evidence of the burning was first given to the jury. I then proceeded to give evidence of the confessions of the boy while the barn was burning.—The boy, being suspected by the neighbors, was seized and threatened, that unless he confessed and told all about it, he would be thrown into the flames and burnt alive. Under these threats the boy confessed, and told where he threw the chunk with which he had carried the fire to the barn. While all this evidence was given, the counsel for the prisoner sat quiet without making any objections, and when I closed, proceeded to cross-question the witness. I then proved by another witness that the chunk was found at the place described. The case here rested until after dinner. Court met; no evidence for the boy offered, and the argument commenced. I had little to say. The proof, as the case stood, was conclusive. Mr. Armstrong rose and spoke over four hours, with great eloquence, appealing frequently to the sympathy of the jury, but said nothing about the law of the case. Col. Vawter, the senior of the firm, then arose with Peak's Evidence in his hand, and commenced with the law of the case, that confessions extorted from the witness by threats of personal violence were not evidence, and calling upon the jury to reject it. Had he made the objection to the court at the proper time, the evidence would have been excluded, and the prisoner acquitted, but his practice in Kentucky had suffered him to sleep upon the proper application of the law to his case at the right time. Judge Eggleston charged the jury. The prisoner was convicted and sentenced five years to the penitentiary.

A CASE OF MISUNDERSTANDING.

For the more immediate consideration of the profession, and to take their legal opinion, a sketch of two cases that arose before the associate judges upon the defense of "tender," may not be out of place. They were cross actions, and came before the court at the same time, and were submitted together. I call the parties John Jones and James Backhouse. The facts: Jones was raised and educated in that part of New York, called the Genessee country, and Backhouse was an Ohioan, from near Cincinnati. In New York, where Jones came from, they called "shell-bark hickory," "shag-bark walnut," and "ground hogs" "woodchucks." In Ohio where Backhouse came from they called "shag-bark walnut," "shell-bark hickory," and "woodchucks," "ground hogs." The parties met accidentally and Jones proposed to sell to Backhouse "ten nice walnut logs," for his saw mill. Backhouse, supposing of course that they were "black-walnut logs," agreed to give a dollar a-piece for them on delivery at his mill-dam. Backhouse then in turn proposed to sell Jones two tame "ground hogs" that he had at home for fifty cents each, which Jones agreed to give, and to receive and pay for them when the first log was delivered. Jones cut the logs, loaded one on his wagon and drove down to the dam to unload. Backhouse happened to be there; "What is that you have there?" "One of the logs." "What logs?" "Why one of those walnut logs you bought of me." That's no walnut log." "Yes it is, as fine a 'shag-bark' walnut as grows in Indiana." "It's no such thing, it is nothing but a shell-bark hickory." "Will you receive it? I tender it to you with the other nine, under our contract and demand my pay." "I shall not receive it, but am ready to receive the black-walnut logs I bought of you." "Then let me have the ground hogs I bought of you, I am ready to pay for them." "Come down to the house and you shall have them." At the house—"There they are, Mr. Jones." "What, them ground hogs, dew tell!" "Yes, a pair of as fine ground hogs as I ever saw, and perfectly tame." "They are no ground hogs, they are nothing but woodchucks. I would not give a cent for them, the pestering things bored our ground all hollow in York State." "I tender you the ground hogs and demand the pay." "I shall not touch them woodchucks, but am ready to receive and pay for the ground hogs under our contract." The parties were strictly honest men, wholly incapable of the *suggestio falsi* or the *supressio veri*, as was admitted by the learned counsel that argued the case. Associate justice Ogden.—"We have heard this case with attention and unusual interest, and I must say that after years of experience as justice of the peace and on this bench, I have never

had a more difficult case to decide. The case will be taken under advisement to consult the lawyers and judges of the other courts." Entry "*curia advisare vult.*"

A CASE OF MISNOMER.

"MOFFITT *vs.* Flowers," said the associate judge, "are the parties ready?" "Ready," says Mr. Henry C. Hammond for the plaintiff. "Ready," says Flowers in person. The action was brought on a physician's bill for attendance on Lucinda, the wife of the defendant. Flowers was a kind of country pettifogger, who came up to the opinion of Judge Mills, of Kentucky, when granting a law license to Davis Flournoy, who had failed to answer a single question, but who boldly and impertinently persisted in urging the judge to grant him a license. "Well, Mr Flournoy, make out your license, and I will sign it, you have two of the qualifications of a village attorney." "What are they, sir?" "Impudence and ignorance, sir." Flowers, however, had read "Espinasse on Misnomer." Mr. Hammond opened the case to the court, and then took up the account of his client and commenced reading. "To visit and anodyne"—— "Stop," says Flowers, in a voice of thunder that startled the court and bystanders, "stop reading;" and rising to his feet—"I demand a non-suit." The Court.—"Upon what ground?" "Upon what ground! why of misnomer." "Of what?" "Of misnomer; her name is Lucinda and not Anodyne." The Court.—"Was she ever called or known by the name of Anodyne?" "Never that I ever heard of." This was a damper—a perfect *chevaux de frieze* in the way of the plaintiff. Counsel for plaintiff.—"We will suffer a non-suit and try him again, as we see the Court is dead set against us." The Court.—"Let the non-suit be entered, and the next time bring the suit in the right name."

THE BLARNEY STONE.

I WAS sitting in my office at Connersville, one day, when in stepped an Irishman, whom I call John Wood, of Union county, and told me he had been recommended to me for sound counsel in an important case. He had arrived in America directly from Cork, Ireland, only a few years before, bringing with him his wife and several children as far as Hamilton county, Ohio, where by pure accident he and his "ould woman" had somehow got separated and had not lived together for several years, and his business with me was to employ me to file a bill for a divorce in the Union Circuit Court. We soon agreed on the

fee, twenty dollars, and he left. I immediately filed the bill and had the notice published in the paper for the next term. The old woman by mere accident, also, saw the advertisement and thereby found out for the first time where the man had stopped after he had left her, and came directly over to the residence of the old man. The whole matter was soon reconciled between them. Soon after the settlement the old man called at my office in fine humor. "Mr. Smith, the ould woman and myself have made up." "Indeed! well I am very glad of it, you are both too old to separate." "I know you're glad; you are a good man; I just came over to see what you intend to charge a poor man like meself who has made up with me ould woman." "I charge you twenty dollars, Mr. Wood." "Ah sure, Mr. Smith, you'll not charge a poor body twenty dollars. The moment I landed at New York I heard of you Mr. Smith, that ye was a kind-hearted man and a distinguished sargeant in the law, as ye are Mr. Smith." "I charge you only ten dollars Mr. Wood." "Surely, Mr. Smith you will not charge a poor body ten dollars for such a little matter as this. Mr. Smith, I have been acquainted with all the great barristers of Ireland, with the Ponsonbys, the Emmets, the Grattons, the Currans and the Burkes, but there is not one of them that is aiqual to you, Mr. Smith; you are so approachable in court, and you can take such grand distinctions in the law." "I charge you nothing Mr. Wood." "Ah! you are a gentlemanly man, Mr. Smith, *surely you will pay the Printer.*" Mr. Wood was the only man I ever knew that always carried the "blarney stone" with him and knew just how to use it.

[Wednesday Morning, July 22, 1857.

THE INDIAN MURDERS IN 1824.

At the time of the Indian murders on Fall Creek, the country was new and the population scattered here and there in the woods. The game was plenty, and the Indian hunting-grounds had not been forsaken by several of the tribes. The white settlers felt some alarm at the news of an Indian encampment in the neighborhood, and although they were all friendly, a watchful eye was kept on all their movements. The county of Madison had been organized but a short time before. Pendleton, with a few houses, at the falls, was the seat of the new county; Anderson, on White River, was a small village; Chesterfield and Huntsville were not then heard of. There were only a few houses between Indianapolis and the falls, and still fewer in other directions from the capital. Early in the spring of the year 1824, a hunting party of Seneca Indians, consisting of two men, three squaws, and four children, encamped on the east side of Fall Creek, about eight miles above the falls. The country around their camping ground was a dense, unbroken forest filled with game. The principal Indian was called Ludlow, and was said to be named for Stephen Ludlow, of Lawrenceburgh. The other man I call Mingo. The Indians commenced their season's hunting and trapping—the men with their guns, and the squaws setting the traps, preparing and cooking the game, and caring for the children—two boys some ten years old, and two girls of more tender years. A week had rolled round, and the success of the Indians had been only fair, with better prospects ahead, as the spring was opening, and raccoons were beginning to leave their holes in the trees in search of frogs that had begun to leave their muddy beds at the bottom of the creeks. The trapping season was only just commencing. Ludlow and his band, wholly unsuspicious of harm and unconscious of any approaching enemies, were seated around their camp fire, when there approached through the woods five white men—Harper, Sawyer, Hudson, Bridge, sen., and Bridge, jr. Harper was the leader, and stepping up to Ludlow, took him by the hand and told him his party had lost their horses, and wanted Ludlow and Mingo to help find them. The Indians agreed to go in search of the horses. Ludlow took one path and Mingo another. Harper followed Ludlow, and Hudson trailed Mingo, keeping some fifty yards behind. They traveled some short distance from the camp when Harper shot Ludlow through the body: he fell dead on his face. Hudson on hearing the crack of the rifle of Harper, immediately shot Mingo, the ball entering just below his shoulders

and passing clear through his body. Mingo fell dead. The party then met, and proceeded to within gun-shot of the camp. Sawyer shot one of the squaws through the head. She fell and died without a struggle. Bridge, sen., shot another squaw, and Bridge, jr., the other squaw. Both fell dead. Sawyer then fired at the oldest boy but only wounded him. The other children were shot by some of the party. Harper then led on to the camp. The two squaws, one boy and the two little girls lay dead, but the oldest boy was still living. Sawyer took him by the legs and knocked his brains out against the end of a log. The camp was then robbed of every thing worth carrying away. Harper, the ring-leader, left immediately for Ohio and was never taken. Hudson, Sawyer, Bridge, sen., and Bridge, jr., were arrested, and when I first saw them they were confined in a square log jail, built of heavy beech and sugar-tree logs, notched down closely and fitting tight above, below, and on the sides. I entered with the sheriff. The prisoners were all heavily ironed, and sitting on the straw on the floor. Hudson was a man of about middle size with a bad look, dark eye, and bushy hair, about thirty-five years of age in appearance. Sawyer was about the same age, rather heavier than Hudson, but there was nothing in his appearance that could have marked him in a crowd, as any other than a common farmer. Bridge, sen., was much older than Sawyer; his head was quite grey, he was above the common hight, slender, and a little bent while standing. Bridge, jr., was some eighteen years of age, a tall stripling. Bridge, sen., was the father of Bridge, jr., and the brother-in-law of Sawyer. The news of these Indian murders flew upon the wings of the winds. The settlers became greatly alarmed, fearing the retaliatory vengeance of the tribes and especially of the other bands of the Senecas. The facts reached Mr. John Johnston at the Indian Agency at Piqua, Ohio. An account of the murders was sent from the Agency to the War Department at Washington City. Col. Johnston and William Conner, visited all the Indian tribes, and assured them that the government would punish the offenders, and obtained the promise of the chiefs and warriors that they would wait and see what their "Great Father" would do before they took the matter into their own hands. This quieted the fears of the settlers, and preparation was commenced for the trials. A new log building was erected at the north part of Pendleton, with two rooms, one for the court, and the other for the grand-jury. The court-room was about twenty by thirty feet, with a heavy "puncheon" floor, a platform at one end three feet high, with a strong railing in front, a bench for the judges, a plain table for the clerk, in front on the floor a long bench for the counsel, a little pen for the prison-

ers, a side bench for the witnesses, and a long pole in front, substantially supported, to separate the crowd from the court and bar. A guard by day and night was placed around the jail. The court was composed of Wm. W. Wick, presiding judge, Samuel Holliday and Adam Winchell, associates. Judge Wick was young on the bench, but with much experience in criminal trials. Judge Holliday was one of the best and most conscientious men I ever knew. Judge Winchell was a blacksmith, and had ironed the prisoners; he was an honest, rough, frank, illiterate man, without any pretensions to legal knowledge. Moses Cox was the clerk; he could barely write his name, and when a candidate for justice of the peace at Connersville, he boasted of his superior qualifications, "I have been sued on every section of the statute and know all about the law, while my competitor has never been sued and knows nothing about the statute." Samuel Cory the sheriff, was a fine specimen of a woods' Hoosier, tall and strong-boned, with hearty laugh, without fear of man or beast, with a voice that made the woods ring as he called the jurors and witnesses. The county was thus prepared for the trials. In the meantime the government was not sleeping. Col. Johnston, the Indian agent, was directed to attend the trials to see that the witnesses were present and to pay their fees. Gen. James Noble, then a United States Senator, was employed by the Secretary of War to prosecute, with power to fee an assistant; Philips Sweetzer, a young son-in-law of the General, of high promise in his profession, was selected by the General as his assistant; Calvin Fletcher was the regular prosecuting attorney, then a young man of more than ordinary ability, and a good criminal lawyer. The only inn at Pendleton was a new frame house near the creek, still standing by the side of the railroad bridge.

AN ANECDOTE.

THE term of the court was about being held. The Sunday before the term commenced, the lawyers began to arrive, and, as the custom was in those days, they were invited out to dine on the Sabbath, by the most wealthy citizens, as a favor and compliment, not to the lawyers, but to their hosts. We had a statute in those days imposing a fine of one dollar on each person who should "profanely curse, swear, or damn," and making it the duty of all judges and magistrates to see that the law was enforced upon offenders in their presence. Judge Holliday invited Calvin Fletcher, the circuit prosecuting attorney, and his Indianapolis friend, Daniel B. Wick—the brother of the judge—to dine with him. The invitation was accepted, of course,

there being no previous engagement in the way. Dinner was announced; Judge Holliday asked a "blessing" at the table—Mr. Fletcher declining. The judge had killed a fat goose for the extraordinary occasion, which was nicely stuffed with well-seasoned bread and onions, and placed in the center of the table. Mr. Wick, who was not a church-member, fixed his eye upon the goose, and said by way of compliment, "That is a damned fine goose, Judge." "Yes, it is a fine goose, and you are fined a dollar for swearing." Not a word more was spoken at the table. Dinner over, Judge Holliday said, "Squire Wick, pay me the dollar." "I have not a cent, Judge, with me." "Perhaps Mr. Fletcher will lend it to you." Mr. Fletcher.—"I really have only enough with me to pay my tavern bill." Judge Holliday.—"What is to be done?" Fletcher.—"Lend him the money, Judge, and take his note, or bind him over to Court." "I'll bind him over; you'll go his security?" "The rules of the Court forbid lawyers from going security for any one, but you can go it yourself; just draw the recognizance that 'Daniel B. Wick, and Samuel Holliday, appeared before Samuel Holliday, associate judge of the Madison Circuit Court, and acknowledged themselves to be indebted to the State in the penalty of twenty-five dollars each for the appearance of Daniel B. Wick at the next term of the court to answer.'" The seasonable proposition of Mr. Fletcher was at once accepted by all parties. The recognizance was taken in due form, and forfeited at the next term, by the absence of Mr. Wick. *Judgment was rendered against Judge Holliday for twenty-five dollars.* A petition to the Governor was drawn up, and signed by the whole bar: a remittance soon followed. The trial of Hudson commenced the next day after the Sabbath dinner, at Judge Holliday's, and will be sketched in my next.

[Thursday Morning, July 23, 1857

TRIAL OF HUDSON.

A word of explanation before my sketch to-day commences. It has already been asked whether I have quit the practice of law, supposing that my whole time was occupied with these reminiscences. While I was a student of law, my habit was to lay down heavy reading the moment my mind was no longer able to understand and retain the previous chapter, and take up works of a different character—Plutarch's Lives, History, Travels, Voyages, and Adventures—until my mind was sufficiently rested, and then resume my studies. At the time I commenced these sketches, I was preparing some heavy briefs for the Supreme Court of the United States, and my mind needed rest. Instead of reading, I employed the time I have to spare in bringing up early incidents. I have kept no notes, and am drawing entirely upon my recollection, which in most cases I find very distinct. Pardon this disgression.

The day for the trial of Hudson, one of the prisoners arrived. A number of distinguished lawyers were in attendance from this State, and several from the State of Ohio. Among the most prominent I name General James Noble, Philips Sweetzer, Harvey Gregg, Lot Bloomfield, James Rariden, Charles H. Test, Calvin Fletcher, Daniel B. Wick and William R. Morris, of this State; General Sampson Mason and Moses Vance, of Ohio. Judge Wick being temporarily absent in the morning, William R. Morris arose and moved the associate judges—"I ask that these gentlemen be admitted as attorneys and counselors at this bar; they are regular practitioners, but have not brought their licenses with them." Judge Winchell.—"Have they come here to defend the prisoners?" "The most of them have." "Let them be sworn—nobody but a lawyer would defend a murderer."

Mr. Morris.—"I move the court for a writ of habeas corpus, to bring up the prisoners now illegally confined in jail." Judge Winchell.—"For what?" "A writ of habeas corpus." "What do you want to do with it?" "To bring up the prisoners and have them discharged." "Is there any law for that?" Morris read the statute regulating the writ of habeas corpus. "That act, Mr. Morris, has been repealed long ago." "Your honor is mistaken, it is a constitutional writ, as old as Magna Charta itself." "Well, Mr. Morris, to cut the matter short, it would do you no good to bring out the prisoners, I ironed them myself, and you will never get them irons off until they have been tried, habeas corpus or no habeas corpus."

Per curia, "motion overruled." Judge Wick entered and took his seat between the two side judges. "Call the grand-jury." All answer to their names, and are sworn. Court adjourned for dinner. Court met; the grand-jury brought into court an indictment for murder drawn by Mr. Fletcher against Hudson. Counsel on both sides.—"Bring the prisoner into court." The Court.—"Sheriff put in the box a jury." Sheriff.—"May it please the Court, Dr. Highday just handed me a list of jurors to call on the jury." Judge Wick.—"Bring Dr. Highday into court." "Did your honor wish to see me?" "Dr. Highday is this your handwriting." "I presume it is." "Dr. Highday we have no jail to put you in, the one we have is full; hear your sentence, it is the judgment of the Court that you be banished from these court grounds till the trials are over; Sheriff, see the judgment of the Court carried strictly into execution."

I digress to give the scene in court, published by General Sampson Mason, in a Springfield, Ohio, paper. "As I entered the court-room the judge was sitting on a block, paring his toe nails, when the sheriff entered, out of breath, and informed the court that he had six jurors tied, and his deputies were running down the others." General Mason, with all his candor, unquestionably drew upon his imagination in this instance.

Hudson, the prisoner, was brought into court by the Deputy Sheriff and two of the guard. His appearance had greatly changed since I first saw him in the log pen with his comrades in crime. He was now pale, haggard and downcast, and with a faltering voice, answered upon his arraignment, "Not Guilty." The petit-jury were hardy, honest pioneers, wearing moccasins and side-knives. The evidence occupied but a single day, and was positive, closing every door of hope to the prisoner. The prosecuting attorney read the statute creating and affixing the punishment to the homicide, and plainly stated the substance of the evidence. He was followed for the prisoner, in able, eloquent, and powerful speeches, appealing to the prejudice of the jury against the Indians; relating in glowing colors the early massacres of white men, women and children, by the Indians; reading the principal incidents in the history of Daniel Boone and Simon Kenton; relating their cruelties at the battle of the Blue Licks and Bryant's Station, and not forgetting the defeat of Braddock, St. Clair, and Harmar. General James Noble closed the argument for the State in one of his forcible speeches, holding up to the jury the bloody clothes of the Indians, and appealing to the justice, patriotism, and love of the laws of the jury, not forgetting that the safety of the settlers might depend upon the conviction of

the prisoners, as the chiefs and warriors expected justice to be done. The speech of the general had a marked effect upon the crowd, as well as the jury. Judge Wick charged the jury at some length, laying down the law of homicide in its different degrees, and distinctly impressing upon the jury that the law knew no distinction as to nation or color; that the murder of an Indian was equally as criminal in law as the murder of the white man. The jury retired, and next morning brought into court a verdict of "guilty of murder in the first degree," motion for a new trial overruled. The prisoner brought into court, and sentence of death pronounced in the most solemn manner, by Judge Wick. The time for the execution was fixed, as is usual, for a distant day. In the meantime Hudson made his escape from the guard one dark night, and hid himself in a hollow log in the woods, where he was found and arrested.

Time rolled on, the fatal day for the execution arrived. Multitudes of people were there. Among them were seen several Senecas, relatives of the murdered Indians. The gallows was erected just above the falls, on the north side. The people covered the surrounding hills, and at the appointed hour, Hudson, by the forfeiture of his life, made the last earthly atonement for his crimes. Such was the result of the first case on record in America, where a white man was hung for killing an Indian. The other cases were continued until the next term of the court, and will be the subject of a distinct sketch.

A NEW MODE OF PROCURING A SIGNATURE.

Before the court adjourned there occurred an incident that I notice, not for its importance, but as a kind of relief reminiscence after the narration of the tragedy of Hudson. The grand-jury was still in session, and Mr. Fletcher, the prosecuting attorney, was before them examining the witnesses. A case was presented against an individual for selling whisky by retail without license. The proof was positive. The question was put and the jurors unanimously voted for a bill to be drawn. Mr. Fletcher drew the bill, presented it to the foreman, and asked him to sign it. "I shall do no such thing, Mr. Fletcher, I sell whisky without license myself and I shall not indict others for what I do." "If you don't sign it I will take you before Judge Wick." "What do I care for Judge Wick, he knows nothing about such matters." Mr. Fletcher.—"The grand-jury will follow me into court." In the court-room.—"This foreman of the grand-jury refuses to sign his name to a bill of indictment against a man for selling whisky without license." Judge

Wick.—"Have twelve of the jury agreed to find the bill?" "Yes, eighteen of them." "Foreman, do you refuse to sign the bill." "I do." "Well, Mr. prosecutor, I see no other way, but to leave him to his conscience and his God; the grand-jury will return to their room." In the grand-jury room, the foreman said, "I told you that Judge Wick knew nothing about such cases." Mr. Fletcher.—"I am only taking the legal steps to have the bill signed." "What are you going to do now, why are you stripping off your coat?" "The law requires the last step to be taken." "What step is that?" "To *thrash you* until you do sign the bill." "Don't strike Mr. Fletcher, and I will sign the bill." "Here it is, sign it." The foreman signed the bill, and the jury returned into court. Judge Wick.—"Has the foreman signed the bill." "He has." "I thought his conscience would not let him rest till he signed it."

I now have six months before me, before the other Fall Creek trials came on, and with the consent of the reader, I will sketch some intermediate scenes.

[Friday Morning, July 24, 1857.

A "REGULATOR" CASE, ENDING BADLY FOR EVERY BODY.

Early in the summer of 1819, when the jurisdiction of the Fayette Circuit Court extended over the whole White river country, some seventy-five miles west, including what are now the counties of Rush, Shelby, Johnson, Morgan, Marion and Hamilton,—Christopher Ladd and William Eagan, while paddling their canoe above the bluffs on White river, observed large collections of buzzards, or vultures, on a sand-bar and the surrounding trees. Ladd had shot at a deer in the woods the day before, and supposed it might have made for the river and died. The canoe was directed to the sand-bar, where the buzzards were, and there, entirely exposed, lay the skeleton of a man, nearly stripped of flesh. Notice was given, and the whole neighborhood were soon there, among others, a company of Regulators, by the names of Statts, Awfield, Doneghy, Laughlin and Deweese. It was on the Sabbath. A deep grave in a little adjacent island was dug and the skeleton of the stranger was buried; Ladd and Eagan standing at the grave till the last. The Regulators retired in a body to the shade of some cotton-wood trees; after a few minutes earnest conversation, which Ladd observed with some misgivings, returned to the grave and openly charged Ladd with being the murderer. Ladd was taken into their custody and his gun taken from him. Every man carried his gun in those days, even to church. The Regulators with their prisoner soon arrived at the cabin of Jacob Whitsell, the father of Cyrus Whitsell, who gave me the facts of this sketch. Just below the bluffs a consultation was had, and the question arose as to what they should do with Ladd. The Regulators held their own courts, Judge Lynch presiding, in that day.—Some were for hanging him, others for tying him up and lynching him. So stood the case, when father Jacob Whitsell, who was a man of influence with them, though he was not one of them, stepped in and told them that there was no evidence whatever against Ladd, that if he had been the murderer he would have either buried the body, or thrown it into the river, and the Regulators would never have heard of it; besides, Ladd was a man of good character and advised them to discharge him. The vote was taken, and Ladd was discharged and set at liberty by the casting vote of the captain.—But the end was not yet. Ladd immediately went to Brookville and employed Caswell and Drew to bring an action in the Fayette Circuit Court against the Regulators for false imprisonment. The suit was brought. I was present at the trial in 1820. Gen. James Noble and William W. Wick appeared for the defendants. There was a crowd

of witnesses in the court. The facts were clearly proved. I recollect distinctly the arguments of the counsel. It was an early case in my professional life, and my school of practice has always been in closely observing trials, too much neglected by law students. The case was opened in a brief speech by Mr. Drew for plaintiff, Mr. Wick followed for the defendants. His effort was to discredit the plaintiff's witnesses and especially Hugh Ensley, one of the very worst looking men that could be found in all the "New Purchase." Ensly had sworn to some miraculous facts against the defendants. Wick took up his evidence and in a loud voice, "Who do you learn these facts from, gentlemen of the jury? I answer, old Hugh Ensley, a man whose countenance in any other country would hang him." Ensley was standing just behind the railing near Wick. He jumped several feet from the floor and bawled out, "Let me at him and I'll fix *his* countenance." The Court.—"Sheriff, take Ensley out of the court-house." The counsel closed their arguments, and Judge Eggleston gave an able charge to the jury.—Verdict, $94, damages, costs, $1,500. Defendants all broken up upon execution, Ladd ruined in paying his lawyers' fees.

JEMMY JOHNSON.

The case of Dr. Byles against Jemmy Johnson may interest the the reader. The Doctor was a rather testy Scotchman, a graduate of the Edinburgh Medical University, and a pious Covenanter. He was thought, in the neighborhood, to be a good physician, and something of a surgeon, though in one case it was said he mistook the "*os ischium*" for the "*os coccygis*," the "*ulna*" for the "*radius*," and the "*dura*" for the "*pia mater*." The worst story that spread through the neighborhood against Dr. Byles, however, was that he never permitted himself to be without a patient. If his last patient was likely to get well before he could get another, a small dose of *ipecac*, night and morning, or a portion of *calomel* and *jalap* occasionally, would keep the patient on hand a few weeks or months longer. These were all slanders, of course; but still many believed them, and no one more strongly than Jemmy Johnson, the defendant, who was a large, pursy Irishman of some two hundred and fifty pounds avoirdupois, with a remarkable rotundity. Like many of his countrymen, he carried upon his shoulders a good mathematical head, which enabled him at a single glance to measure solids into cubes, liquids into gallons, quarts, gills, drams and drops. Jemmy was a good Catholic and an honest man. It happened one day that Jemmy was driving the oxen and wagon of a farmer with whom he lived, past the residence of Dr. Byles,

and when some miles below, seated on the top of a load of hay, fell asleep and rolled off upon the ground. He was taken up for dead, conveyed to a neighboring cabin, and Dr. Byles sent for to attend him. The suit in question was brought by Dr. Byles for his medical bill against Jemmy. The account ran—"To surgical and medical attendance, $50,00." The case being called for trial before the associate judges, Dr. Byles had to rely upon the evidence of Jemmy to prove the account. "Swear Jemmy Johnson." Jemmy is sworn. "State all you know about this case." "I will do that in short order. I fell from the load of hay and was kilt." "You didn't die?" "How could I be here if I had died?" "Go on." "As I said I was kilt, and they carried me to John Brown's, and brought Dr. Byles to see me. Now thinks I, for a year's sickness. Dr. Byles came up to me bed: says he, 'Jemmy, you were most kilt, was you afraid to meet your Savior.' 'Not a bit of it,' says I 'it was that other fellow I was afraid of.' The Doctor then emptied upon the table his medicine bags. 'There,' says he, 'is half a pound of salts in that paper, that is a box of pills, that is a paper of powders, that vial is filled with drops. 'Now Jemmy,' says he, 'mark well my prescription, and you may yet live. You will take a pill each day, a powder every other day in the morning, a drop every night, and a spoonful of salts at dinner once a week, until you have taken all I have left, when I will furnish you again. I will visit you every day till all the medicine is taken.' The Doctor left, and I made my calculation, and found that it would take three whole years to follow the prescription till I had taken all the medicine, and allowing him fifty cents a visit, his attendance would come to $547.50, to say nothing of my lost time and suffering all the while. So I called the ould woman, and told her to bring me a bowl and some molasses, and to put all the salts in another bowl: I poured the drops, powders and pills, into the molasses, and then turned in the salts, mixed it all together, and drank the whole of it without taking my breath at all, at all. The next day Dr. Byles came again, and says he, 'Jemmy, have you taken the pills?' I told exactly what I had done. Says he, 'I wonder it had not killed you.' 'Kilt me, says I—I was well and at work in two days after: and how could it kill me? it only worked one operation; I could swallow your whole apothecary shop, Dr., if you would bring it down here.'" No other testimony. The case submitted on the evidence of the defendant. Manwaring, Associate.—"There is no evidence that the medicine was worth any thing. The proof is that it was of no account or it would have killed the defendant. There was no surgical operation performed. Two visits, however, are proved, they must be allowed—judgment for $1.00."

"TROVER" FOR STEALING A LOG CHAIN.

In the Jennings Circuit Court, the case of the State against George Washington Wren was called—the associate judges on the bench. William A. Bullock for the State, and William Carpenter, of Madison, an Irish barrister, for the defendant; indictment for larceny for stealing a log chain. Mr. Carpenter.—"May it please the Court, I move to quash this indictment, on the ground that the action should have been trover." "Upon what ground?"—"Why I say the action should have been trover." "How so?" "The indictment says 'one log chain, then and there *being found*, the property of John Brady'—the very language of trover. How could he be charged with stealing if he found it?" There were no law books in court giving forms of indictment for larceny. The question was submitted to the Court without argument. The associates consulted together some time—read over the words aloud, again and again. "Then and there being found." "Mr. Prosecutor, the Court thinks it should have been an action for trover." Indictment quashed; court adjourned; the prosecuting attorney in a rage; and the Irish barrister bursting with laughter.

LEGIBLE HANDS.

In the Fayette Circuit Court, State *vs.* Amos Henson. Indictment for obstructing the highway with "hens and hogs," meaning, of course, "trees and logs," but written as if it was *hens and hogs*, or so that it might be so read. I was young and mischievous, and moved the associate bench to quash the indictment on the ground that there was no statute against "hens and hogs" running at large. Motion opposed by Martin M. Ray, now of this city, prosecuting attorney, on the ground that the words were "trees and logs" and not "hens and hogs." Reply—"This must be decided by inspection, like a record on the plea of '*nul tiel record*,' as there is no reported case that touches the question." Judge Webb.—"We think it is '*hens and hogs*;' the indictment is quashed, and hereafter let the prosecutor write a legible hand, and cross his t's and dot his i's, and not be troubling the court with such questions."

[Saturday Morning, July 25, 1857.

A HERO CHARGED WITH HOG STEALING.

The American army had reached Fort Meigs, under the command of Gen. Harrison. Major Whistler was in charge of Fort Wayne. The woods, on the Maumee, St. Joseph's and St. Mary's, were filled with hostile Miami Indians. Fort Wayne was besieged on all sides, and Major Whistler and his few men must soon surrender. The news of the desperate condition of the besieged reached General Harrison, and he determined at once to relieve Major Whistler. Early one morning there was seen running toward the Fort a small man, pursued by several Indians from the woods. The foremost of the pursuers was Joe Richardville, a Miami chief. The gate of the Fort was thrown open, and in rushed Col. William Suttonfield, and fell exhausted. He soon revived, took from one of his boots a dispatch from General Harrison to Major Whistler, informing the Major that he would promptly come to his relief, and requiring a return dispatch of the forces and position of the enemy then besiging the Fort. General Harrison had asked for a volunteer messenger to carry the dispatch to Fort Wayne, but no one was willing to take the hazard. Col. Suttonfield, then only a private, stepped forward and offered his services. He was accepted by the General, furnished with a fine horse, his dispatch concealed in his boot, and just at twilight he left the army for Fort Wayne. His path led up the Maumee river. His fine animal carried him rapidly forward, and he seemed likely to reach the fort without even seeing the enemy, when, entering a dense undergrowth, he found himself in the very midst of the Miami chiefs and warriors. Chief Richardville, Joe Richardville, Francis Godfroy, Lewis Godfroy, and young Lafountaine, were there. The Indians sprang to their guns, and Colonel Suttonfield put spurs to his horse. Several rifles were fired at the flying Colonel. The chiefs mounted their fresh horses, pursued at a killing pace, and were fast nearing the Colonel, when his horse ran into a morass prairie, sank to his belly and could get no further. The Colonel sprang to his feet and ran for his life. The fort was distant some two miles. The horses of the Indians stuck in the same morass. The most active of the chiefs dismounted and pursued the Colonel. The fleetest, Joe Richardville, the favorite brave of the old chief, was only about a hundred yards behind when the Colonel entered the fort. The dispatch was read, giving great joy to the Major and his men. The return dispatch was soon prepared,

and a volunteer messenger was called for by Major Whistler to carry it to Gen. Harrison. No one offered. Night was approaching, when Col. Suttonfield stepped forward and offered to carry the dispatch to Meigs if he was furnished with a fleet horse with untiring bottom. He was directed to select for himself, and at once made choice of a blooded sorrel mare, of the Major's. Night had come—it was clear moonlight—the gate of Fort Wayne was thrown open, and out bounded Col. Suttonfield with the speed of a deer. The eyes of the fort were upon him as he took the path down the Maumee and entered the woods. The sound of rifles reached the fort—the Colonel had again met the wily chiefs at a new encampment. His clothes were perforated with balls, but he and his horse escaped without harm. The next day the Colonel took from his boot the dispatch of Major Whistler and handed it to Gen. Harrison. But the end was not yet. The Indian war was soon over, and the Colonel married an estimable lady and settled in Fort Wayne, where I first became acquainted with him. The reader will not ask me whether he was a brave man, and I will not stop to say that he was strictly honest. The Col. was a positive man in all he said or did, and of course had some enemies. Among others, he had a little squeaking neighbor, who had became offended at the Col., and in his absence at Indianapolis, spending a few weeks at a session of the Legislature, filed an affidavit before Robert Hood, a justice of the peace, against the Col. for marking his old sow with intent to steal her. The Col. on arriving at home heard of it, and went to the squire ready for trial. The squire only had jurisdiction to hear the case, discharge or recognize, as the case might warrant. The prosecutor was present. The Col. looked upon him with perfect contempt. "Squire, I demand a jury." Justice.—"Constable put a jury in the box." "There are only eleven jurors present." The Col., "Put the prosecutor on the jury." The prosecutor took his seat in the box. The squire.—"How shall I swear the jury?" The Col.—"You do swear you will truly try and upon your oaths say whether Col. William Suttonfield marked the sow with intent to steal her or not." The jury were sworn, and the prosecutor examined. The Col.—"Now squire, I demand the ayes and noes." The Col. could neither read nor write. The squire.—"Each juror will answer as his name is called, guilty or not guilty. Constable call the roll." The jurors were called and all answered "not guilty," till the prosecutor was called. He hung down his head and squeaked out "guilty." The Col. gave him another look of contempt. "Eleven

to one, acquitted almost unanimously." Squire Hood.—"It is considered that Col. Suttonfield stands unanimously acquitted, except by the prosecutor, who the Court considers was governed by malice prepense and aforethought."

DODGING A FEE.

At a term of the Circuit Court of the United States, I was requested by Daniel J. Caswell to be employed for Nicholas Longworth, of Cincinnati, Ohio, one of the wealthiest men of the State. I was highly pleased with the employment, looking forward, of course, to a liberal fee, punctually paid, as I was assured by Mr. Caswell would be the case. It was an action of ejectment brought by David Close, of Rising Sun, against Longworth for a tract of land in Dearbon county. Judge Holman was on the bench. Mr. Caswell had to leave for Columbus next day, and wished to deliver over the case to me, as the sole attorney for Longworth. Mr. Caswell left before the case was reached on the docket. The trial lasted several days, and was warmly contested by both sides. Judge Holman charged the law against us, and the plaintiff recovered the land. I immediately informed Mr. Longworth, and requested him to pay me a fee of fifty dollars, about one-fourth what I should have charged him. He refused to pay me, on the ground that I was not his lawyer. Mr. Caswell then called upon him, as he told me, and Longworth refused to pay him, because he had not attended to the case. This gave me enough of rich attorney clients, who would refuse to pay for services rendered them. Mr. Longworth, besides being wealthy, was at that time a cunning lawyer. He had not then reached his high position of successful rivalry of French vintners in Sparkling Catawba. His conduct in my case forcibly reminded me of the man that went into the grocery. "Let me have a glass of whisky?" "Here it is," handing it over. "You may take back the whisky and give me crackers." "Here they are." Eats the crackers and is about leaving. Grocer.—"Pay me for the crackers." "I gave you the whisky for them." "Then pay me for the whisky." "I gave the whisky back." "Well, hereafter pay as you go, it may be all right, but it don't exactly look so to me."

FIRST SPEECH IN THE LEGISLATURE.

I had been at Connersville about eighteen months, when to my surprise I saw my name announced as a candidate for the Legisla-

ture. Nothing was then further from my thoughts than to enter the field of politics; my ambition was to make myself a good lawyer. I was elected, however, and the next winter found me at Corydon—a representative of Fayette. It so happened that it was the greenest Legislature ever convened in the State. The raw material was not so defective, as the experience of the members. This accounts for the fact that the speaker, General Washington Johnson, announced my name as chairman of the committee on the judiciary. On the third day of the session we went into joint convention to count the votes for Governor. William Hendricks was elected. The secretary had opened the envelops, and the counting had progressed till the county of Decatur was called. This return was not sealed and directed as the constitution required. The bodies retired to their respective chambers to discuss the important question. Mr. Basset Mr. Howk, Gen. Stapp, Col. Scott, Col. James, Mr. Dumont and Dennis Pennington had spoken, when there seemed to be a pause. All eyes were turned to me, as the chairman of the judiciary committee, supposing, of course, that I knew all about it. The house was filled with a distinguished audience, from all parts of the State, and several from Kentucky. I arose. It was my first effort in a legislative capacity, and much was expected by the audience. "Mr. Speaker," said I. These were my only words. I grew blind, and down I sank in my chair, almost unconscious, when Maj. Henry P. Thornton, who was our clerk, a great wag, sprang from his desk, ran to where I was seated, and whispered in my ear, "My dear sir, you must have studied your speech at home; you have made a powerful *constitutional* argument."

[Wednesday Morning, July 29, 1857.

A "DIVINELY COMMISSIONED" THIEF CATCHER.

One night in the spring of 1823, John Williams had his horse stolen from his stable in Connersville. The woods for miles around were scoured by the citizens, and the horse was found in a thicket fastened to a tree. A watch was set, and William Boice was taken in the act of feeding the animal. Boice was tried, convicted, and sentenced to two years' hard labor in the penitentiary, at the next term of the Fayette Circuit Court. I was attorney for the State at the time. Boice was taken to the State's prison by the sheriff. The word soon came from the keeper of the penitentiary that Boice had broken jail and escaped, and offering a reward of one hundred dollars for his capture and return to prison. The above common occurrence is merely introductory to what follows. It so happened that at this very period of time there lived not far from Connersville, a man I call Joseph Abrams, who was laboring under a peculiar delusion. He believed in "special providences—" that all men were created for special purposes, and set apart for the particular work by the Almighty; that they had no power to resist, nor could any harm come to them while engaged in their particular calling. In his particular case he believed that he was specially created and commissioned to take horse-thieves; that he was required to be diligent in his calling. He had no doubt whatever, that he could take with his single arm any number of horse-thieves, however armed, without any power on their part to do him harm. He never went armed himself, but always carried with him his pockets-full of ropes to tie the horse-thieves as he caught them. He was a large, young, powerful man, as active as a cat and fearless as a rifle. He believed, that as a part of his mission, he had the power given him of recognizing a horse-thief the moment he saw him.

The news that Boice had escaped prison reached Abrams about sun-set in the evening; he said nothing to any one, but left town about ten o'clock that night. Squire Ross was traveling the road leading by the cabin of Boice, when all at once he heard loud screams ahead. Spurring his horse he soon arrived at the cabin. "As I rode up to the fence," he said, "I saw Abrams dragging Boice out of the door of the cabin, tied fast with ropes, and Boice's wife beating Abrams over the head and shoulders with a clap-board." It appeared that Abrams had demanded of Boice to open the door, that Boice had refused and armed himself with a butcher knife; that Abrams broke down the door, seized Boice and wrested the knife from him, threw him upon the floor and tied him, while the wife of

Boice was belaboring Abrams all the time. Abrams placed Boice upon his horse, tied his feet together and immediately started with him for the penitentiary, and actually delivered him up to the keeper, and received his reward. Boice was a powerful man, weighing not less than two hundred pounds and as courageous as a lion.

Soon after this occurrence, Abrams met John Willey, sheriff of the county, took him off his horse, tied him and carried him to a justice of the peace. I was sent for and had him discharged late at night. The fact that I had appeared for Willey caused Abrams to suspect me of being his accomplice, and the next day on my way to the Franklin Circuit Court, I met him in the road. I saw his pockets were full of ropes. "You are a horse-thief; get down and I will tie you." I smiled in his face, "Can't you wait until I come back and then tie me?" "Will you say upon honor, that you will meet me at Connersville next Saturday?" "Yes, I will." "Go then, but fail not at your peril." We parted. I returned home on Saturday morning; Abrams was there. As we met in front of the old court-house, he gave me his hand with a fixed look, "You are discharged, your are no horse-thief, you have kept your promise." "Thank you, Mr. Abrams, I knew you would learn from the spirit of your mission that I was not one of them."—He smiled and we parted.

A "POLITICAL PREACHER" IN A "FIX."

I WAS early initiated at Connersville into the mysteries of electioneering, by several of the most adroit men of the country. Among them I name Marks Crume, who afterward held several high offices, and was one of the commissioners who concluded the treaty with the Pottawatamies of the Wabash. He was a warm supporter of Gen. Jackson, while I sustained Henry Clay. He had represented Fayette county several times in the Legislature, and in 1836 was again a candidate. I was anxious for his success, as I was about to become a candidate before the next Legislature for the United States Senate, and I knew him to be my fast friend. His competitor was a nameless Newlight preacher—long, lank and stoop-shouldered, wearing a blue muslin gown, a queue hanging down to his waist, and his head covered with one of these old-fashioned corn-shuck hats, with a rim extending to his shoulders. He was a fair electioneerer, in open day. This Crume could meet. But he also preached at night. Here Crume entirely failed, although he was the son of the Rev. Moses Crume, of Ohio, who was said to have borne a striking personal resemblance to General Washington.

There remained but a week before the election. Crume became alarmed. It was evidently to be a close contest. The next week the Battalion Muster, at Squire Conner's, four miles below Connersville, on Whitewater, was to come off. This was looked to by the candidates with much interest, as the closing of the campaign before the election. The preacher lived a few miles west of town, and having no horse, walked down early in the morning, expecting to get one there. Crume and his friends kindly offered to procure one, and borrowed of Robert Griffis a very small jackass. The preacher mounted when it was found his feet would drag upon the ground. This they immediately remedied by taking up the stirrups, drawing up the legs of the preacher like the letter K, his gown covering the whole jack but his head and ears, and off they started for the muster.

Arriving at the field, the horsemen rode in at the bars, but the jack of the preacher "took the studs," and in spite of all the kicking, pounding and whipping, refused to budge an inch. The eyes of the battalion were soon directed to the preacher and his jackass, when suddenly the stubborn animal was seen to spring forward, and forcing his head through the rails, the hat of the preacher towering over the top of the fence, commenced braying at the top of his musical voice, while shout followed shout from the field. This was too much for the nerves of the candidate. With a great effort he forced back the head of the jack from the fence and turned his countenance toward town. A traveler met him slowly jogging up the road, evidently ruminating on the vicissitudes of political life. The morning paper gave us notice that he had declined. Crume was elected without further opposition, and, best of all, he gave me his vote for United States Senator.

CORONER CONNERY OUTDONE.

The recent mockery in the Dr. Burdell case at New York, before Coroner Connery, which filled the papers of that city, and a gaping public with morning news for two months, and ended in smoke, brings to my recollection a case of equal magnitude in early Indiana, except that no Mrs. Cunningham or Eckel, had been suspected of spiriting away the immortal from the mortal part of the body, over which the inquest was held. A man was found dead one cold morning with his skull broken, lying in the woods. He had been seen the night before considerably intoxicated. The body was frozen. An inquest was held before noon of the same day before Coroner Clifford. The jury formed a hollow square; the body in the center. Coroner Clifford:—"Gentlemen of the inquest, there are three things to be

considered when a man commits suicide by killing his neighbor. *First*, did he come to his death by *incidence*. *Second*, did he come to his death by *accidence*. *Third*, did he come to his death by the hands of the *incenduary*. Look at the body, gentlemen, and return your verdict." The jury counseled nearly five minutes. Inquest. "We the jury find that the deceased came to his death by *incidence*, having put too much water in his whisky, causing him to freeze last night." Inquest returned; coffin made; the body carried to the grave; funeral services performed before it was dark, and yet neither the New York Tribune, the Journal of Commerce, the Express, nor the Herald ever noticed the circumstance.

A CONCLUSIVE SPEECH ON THE IMPROVEMENT OF THE WABASH CANAL.

I AM tempted, lest I forget it, to sketch an incident on the passage through the House of Representatives of Indiana, of the Wabash Canal Bill, by which the State was largely involved, and the European bond-holders, by subsequent legislation procured by their indefatigable agents, Charles Butler, of New York, and Michael G. Bright, of this State, were enabled to get possession of the Wabash and Erie Canal. The bill had been engrossed, and was to come up the next day on its final passage. The House and galleries were jam full. At an early hour the aisles were seated with ladies, and the doors and windows opened to give fresh air to the suffocating audience. The Speaker worked his way to the chair with difficulty, and called the house to order: not a sound was heard, all eyes were turned to the opposition benches. The bill was announced by its title. "This is the third reading of the bill, and the question is, shall the bill pass?" A pause ensued, when Col. David Wallace, one of the most eloquent men in the State, arose, his fine black eye fixed upon the Chair, and with his musical voice and brilliant imagination, delivered a splendid eulogium upon the measure. He took his seat amid applause from all parts of the house. Mr. Rariden, his brother-in-law, the leader of the opposition benches, followed against the bill, in a most powerful common sense speech, that told with killing effect upon its friends. He took his seat; another pause, deep anxiety bordering on despondency depicted in the countenances of his opponents, when there was seen rising by the side of Col. Wallace, the tall and commanding figure of Col. John McNairy, the chosen orator of the Wabash Valley, and deeply identified with the passage of the bill. All eyes were upon him; it was known that he always stuck to the question, while

his speeches were brief as a telegraph dispatch. The Colonel added to his fine person a loud, clear voice. Raising himself almost on tip-toe, at the very highest pitch, his eyes fell upon the Chair: "Mr. Speaker, our population on the Wabash am great, but our resources for salt am slim. SALT! they can not emigrate up the Wabash." The Col. took his seat with great applause from the benches favorable to the passage of the bill. This speech was conclusive. No one asked for the floor to reply. The question was put from the Chair, and the bill passed by a triumphant majority. The cannon fired, the bells rang, the city was illuminated, and all was joy and hilarity at the capital for weeks afterward.

[Wednesday Morning, August 5, 1857.

A POLITICAL JURY.

The Fayette Circuit Court was held soon after the great contest for President had terminated in favor of Gen. Jackson against Henry Clay. There was perhaps never a more excited election in the country. Gabriel Ginn was the Jackson candidate for Sheriff, and Robert D. Helm the Clay candidate.

A few days before the election John Murphy, a very respectable citizen, and others, put in circulation a handbill against Helm, making charges against his integrity. Helm was defeated, and employed myself and Samuel C. Sample to bring suit for libel. The action was brought, and came on for trial at the next court. Both the Sheriff and his deputies were warm Jackson men, and it so happened that ten of the regular panel of jurors were of the same politics. James Rariden, John T. Mc Kinney and Gen. James Noble appeared for the defendant. The regular panel were called and all answered. The Court.—"Does the plaintiff take the jury?" "We are content." Gen. Noble at once challenged, peremptorily, the two Clay men; the sheriff immediately filled their places with two leading Jacksonians. "We take the jury," says Rariden. "So do we; let them be sworn." My client ran forward and whispered in my ear, "All is gone, they are all Jackson men." We proved the publication beyond question. Mr. Sample opened very briefly for the plaintiff, and was followed by the defendant's attornies with their usual force, upon the question of law and fact. Each closed with a strong appeal to the politics of the jury, and the fact that the defendant was a Jacksonian and the plaintiff a Clayite, was pressed with all their power. My client whispered to me to give up the case and suffer a non-suit.

As Gen. Noble closed his speech, about half past eleven in the forenoon, Judge Eggleston, "Shall we adjourn now?" "I prefer closing before dinner." "You certainly can not do that." "I'll try." "Gentlemen of the jury we are trying one of the most important questions that has ever been tried in the county. I hold the affirmative of the issue, the counsel opposed to me the negative, and you are to decide it by your verdict. It is, whether a Jackson man will regard his oath, and find according to the law and the evidence. You were selected because the counsel for the defendant supposed you would perjure yourselves to acquit their client. I believe that a Jackson man is just as honest as a Clay man, and will be no more likely to perjure himself to acquit a Jackson man, than would a Clay man to convict him. Your names are on the record; the eyes of the people are upon you;

my client will not take a cent of your verdict; I only ask you to give his counsel fees, one hundred dollars." I occupied about fifteen minutes. The jury retired, and before Court adjourned returned a verdict for the plaintiff of one hundred dollars damages. Judgment accordingly.

AN "INFANT" IN COURT.

THE Case of the widow of Thomas Beard, against his heirs, for her interest in his estate, was called. Mrs. Beard was an estimable widow lady when she married Thomas Beard and became his second wife. They each had large families of children, some married and some single, at the death of Mr. Beard. The claim of the widow was warmly contested by Mr. Rariden for the heirs, before the jury, in one of the strongest speeches I ever heard him make. He appealed with all his power to the jury, aroused their sympathy for the poor *infants* about to be wronged out of their father's estate by the plaintiff, and having worked himself up to tears, left the jury weeping like children. As he closed I sprang to my feet, and at top of my voice, "Mr. Frazier, stand up!" John Frazier, about six feet two inches high, square shouldered, large black bushy head, face covered with hair, about forty-five years of age, not less than two hundred and fifty pounds avoirdupois, stood up before the Court and jury. "That, gentlemen of the jury, is one of the infants that you and Mr. Rariden are crying about." It operated like a cold shower-bath upon the jury. The case was over, and my client obtained a verdict for all she claimed, and to which she was justly entitled.

PATHETIC SPEECH SPOILED.

THE great numbers of criminal cases in the circuit adjoining the Ohio River, early invited to our side several young men from Kentucky, who had been trained in the Grundy, Rowan, Clay, Pope and Breckenridge school of advocacy, in which the success of the defense, like that of the play at the theater, depended as much upon the stage preparation, as upon the merits of the advocate or actor. One of these young professional advocates, I call Letcher, was employed to defend a young married man for stealing chickens, coop and all, and taking them down the river on a flatboat. Letcher was a large, fine looking young man, and of high order as a declaimer, but generally shot above the mark, or in the language of James, T. Brown, he seldom brought himself down to the comprehension of the Court and jury. This was to be his debut as an advocate among us, and his every motion was watched with interest.

Early in the morning, before the case was called, there was seen on the witness-bench, the wife of the prisoner in deep mourning, her infant in her arms, and her little boy by her side, her mother, his mother, and two of his sisters, all in mourning—the prisoner sitting in the box next them.

The case was called, when Mr. Letcher rose and asked permission to have a short consultation with his client in the jury-room. The request was granted by the Court, with directions to the sheriff to see to them. The sheriff left them in the room, and then put his ear to the key-hole. Letcher to the prisoner. "You must be governed *strictly* by my directions. My speech will be divided into four parts, *First*, the historical; *Second*, the argumentative; *Third*, the reply; *Fourth*, the sympathetic. You must all sit quiet until I come to the fourth, or sympathetic, part, and then you will all burst out aloud and cry and groan as I proceed to a close; the moment I stop, raise and throw your arms around your wife's neck, and kiss the baby." They returned into court. The jury impanneled—the evidence given. It was conclusive against the prisoner. The prosecuting attorney opened briefly. Letcher arose, all eyes upon him—"If the Court please, gentlemen of the jury, look at my client; look at his poor wife and little babe; look at their aged and afflicted parents, sinking to their graves! Oh! gentlemen, can you find it in your hearts to send him to the penitentiary?"

As he uttered the last word, the prisoner set up a loud howl, raised up, stepped forward and threw his arms around the neck of his wife and kissed the babe with all his might, while all the rest of the relatives joined in the chorus. The Court.—"What does all this mean?" Letcher.—"Only a mistake your honor; my client mistook the *historical* for the *sympathetic* part of my speech; that is all." But the play was over, the curtain fell on a verdict and judgment of "guilty"—two years in the penitentiary. Letcher returned to Kentucky, where he said the prisoners could tell the difference between the "historical and sympathetic" parts of a speech.

BAD CONSEQUENCE OF CHANGING SHIRTS.

The thousand and one amusing incidents that occurred on the circuit, with the bar, will never find their way to paper. I may be excused, however, on account of the parties, for rescuing one of them from the common fate. James Whitcomb, Calvin Fletcher, Harvey Gregg and Hiram Brown, of the Indianapolis bar, "put up," as we say in the West, at the tavern of Capt. John Berry at Anderson-

town. Whitcomb was a perfect gentleman in his person and dress. He must shave every morning and put on a clean shirt; but as it was difficult to get washing done on the circuit, he put several clean shirts in his portmanteau and carried a night-shirt to sleep in, always changing as he went to bed. Mr. Fletcher was a great wag, continually annoying Mr. Whitcomb, and sometimes others, with innocent tricks. Capt. Berry prided himself upon his tavern, and would often boast that "there might be better houses in New York, so far as the table was concerned, but as to his beds they could not be excelled in the United States; that he had been to the great Astor House, before he opened, to see how things were done. He had not been at the table a minute before they presented his bill, and an impudent waiter asked him if he would have tea or coffee, and when he told him he would take tea, he asked him what kind of tea; he said "store tea, to be sure." The Captain had traveled the whole length of Broadway on Sunday; was invited into church while the organs were playing, but excused himself on the ground that he "never danced, and if he did, he would not dance on Sunday." A single word against his tavern, his table, or his lodging room, was taken by the Captain as a great insult, and immediately resented without regard to persons. Fletcher knew the Captain well. They were intimate friends. Taking the Captain to one side Fletcher said, "Do you know, Capt. Berry, what Mr. Whitcomb is saying about your beds?" "I do not—what did he say?" "If you will not mention my name, as you are my particular friend, I will tell you." "Upon honor I will never mention your name—what did he say?" "He said your sheets were so dirty that he had to pull off his shirt every night and put on a dirty shirt to sleep in." "I'll watch him to night." Bedtime came. Captain Berry was looking through the opening of the door when Mr. Whitcomb took his night-shirt out of his portmanteau, and began to take off his day shirt. Captain Berry pushed open the door, sprang upon Whitcomb, and threw him upon the bed. The noise brought in Mr. Fletcher and the other lawyers, and after explanations and apologies on all sides the matter was settled. But Mr. Whitcomb, years afterward, as he told me, found out what he suspected at the time, that Mr. Fletcher was at the bottom of the whole matter.

[Saturday Morning, August 8, 1857.

AN EARLY LEGISLATURE IN INDIANA.

In August 1822, I was elected to the Legislature from Fayette, and late in November mounted my pony and started for Corydon, the temporary seat of government. My way led by Madison, then a small village. Late in the evening of the third day from home, I rode up to a little frame house, about the center of the town, to which I was directed as the only hotel. My horse was taken at the steps by a slim, flaxen-haired youth of a hostler. I had a first-rate supper, a sweet, clean bed, a good breakfast, and left on my journey in the morning, the landlord, as I supposed, being from home. The next Monday the House of Representatives met in the old court-house at Corydon. John F. Ross, the clerk, called the roll; "County of Jefferson," when to my surprise, my flaxen-headed hostler stepped forward, in the person of Gen. Milton Stapp, in after years Lieutenant Governor, and one of the most distinguished men of the State. The roll calling progressed, as I stood by the side of the General he bowed and smiled. The "County of Vanderburgh and Warrick:" I saw advancing a slender, freckled-faced boy, in appearance eighteen or twenty years of age. I marked his step as he came up to my side, and have often noticed his air since. It was Gen. Joseph Lane, of Mexican and Oregon fame in after years. The house was composed mostly of new members, and was said to be the greenest ever convened in the State, myself included. We had, however, a few who would pass even at the present day. Gen. Stapp, Isaac Howk, Horace Bassett, John Dumont, Isaac Julian, Pinkney James, Gen. Burnett, William A. Bullock, Lucius H. Scott, Dennis Pennington, Benjamin V. Beckes, Dr. Sylvanius Everts, Nathaniel Hunt, and others. The session lasted six weeks, and perhaps no Legislature ever met and adjourned in the State, doing less harm.—There were a few measures, however, in which I took an active part, that may bear mentioning. The poll-tax system was first established, the exemption in favor of widows, of personal estate to the value of one hundred dollars, from the debts of deceased husbands; and the act giving a representation to "the new purchase," to strengthen the middle and northern parts of the State, in passing the law for the removal of the seat of government from Corydon to Indianapolis. This latter act was warmly contested, debated weeks and finally passed by a very close vote. The first constitution provided that "Corydon in Harrison county, shall be the seat of government of the State of Indiana, until the year eighteen hundred and twenty-five, and until removed by law." It further provided, "the General

Assembly may, within two years after their first meeting, and shall in the year eighteen hundred and twenty-five, and every other subsequent term of five years, cause an enumeration to be made, of all the white male inhabitants above the age of twenty-one years; the number of Representatives shall at the several periods of making such enumeration be fixed by the General Assembly, and apportioned among the several counties." The question was whether it was competent for the Legislature to take the census and make the apportionment at any intermediate time, or whether it could only be done at the expiration of every five years. We carried the bill in favor of the first construction, and the seat of government was removed years sooner than it would otherwise have been. We had little important business before us; Gov. Hendricks was inaugurated, and Judge Parke elected to revise the laws.

AN ELECTIONEERING OPERATION.

An incident occurred in the election of Treasurer of State that may be instructive to candidates. Daniel C. Lane was the incumbent.—There was no tangible objection against him as an officer, but it was rumored that he could see a short rich man over the head of a tall poor man. His competitor was Samuel Merrill, then of Vevay, afterward for years Treasurer of State, and President of the State Bank. The day for the election was not fixed. I was among the warm friends of Mr. Merrill. Our prospects for his election were very poor—chances as ten to one against us. Mr. Lane, as was the custom, began his course of entertainments, and, as his house was small, he only invited to his first dinner the Senators and the Speaker of the House of Representatives, Gen. Washington Johnston,—intending, no doubt, to feast the members of the House on some other evening before the election.

Next morning the House met, and a few of us understanding each other passed around among the uninitiated, and soon had them in a perfect state of excitement against Lane. The time had now come, and I introduced a resolution inviting the Senate to go into the election instanter. The resolution was reciprocated, and down came the Senate. The joint convention was immediately held, and Mr. Merrill was elected by a large majority, the Senators voting for Mr. Lane and the members of the House for Mr Merrill, who made the State a first-rate officer. The Legislature adjourned, and I returned home through the woods. This ended my legislative career in the State, as I was never afterward a candidate.

A GREAT HYPOCRITE.

My youngest brother, afterward Judge Septimus Smith, was a student in my office at Connersville. On my return from Corydon, I learned that his beautiful strawberry-roan horse had been stolen from the stable in my absence. He advertised the animal in a number of papers and traveled through the country in search of him, but got no tidings of him until some six months afterward, when Jacob Reed happened to see the horse in a drove in North Carolina, knew him at sight, and learned from the owner of the drove that he had bought the horse at Urbana, Ohio, from a man from Connersville, and described Charles Donovan, a school-teacher and Methodist exhorter. We thought best, in consequence of the good character of Donovan to say nothing about it. My brother went to Urbana and got the horse. But the end was not yet. The Rev. James Conwell kept store at Somerset now Laurel, on Whitewater; Donovan had ingratiated himself into the good graces of Mr. Conwell, who was a good, unsuspecting religious man, and an ardent Methodist preacher. Donovan would frequently attend the meetings of Mr. Conwell, was a fine singer and often closed the meetings. Mr. Conwell had a clerk, a respectable young man, by the name of Williams in the store, who suspected Donovan of taking money out of the drawer of the store, and named it to Mr. Conwell, in confidence. With some hesitation it was suggested by Mr. Conwell, that they would bore an augur-hole over the drawer, in the floor of the upper room, and the next time Donovan came to the store the clerk should leave some counted change in the drawer and step out, go up to the hole quietly, leaving Donovan in the store. The plan was adopted, Williams saw Donovan take the change out of the drawer and stated the fact to Conwell. I was the State's attorney at the time. About midnight the same night I was called up by Mr. Conwell and the facts stated. I recommended that another chance should be given to Donovan, with another witness at the hole, as I feared that Williams might be charged with taking the money, and putting the theft on Donovan, and as the character of Donovan was established, and Williams was but a young man, it might end in the discharge of Donovan and the ruin of Williams. Mr. Conwell, however, urged the arrest of Donovan. I prepared the papers and Donovan was arrested before morning, in his bed. He protested his innocence, charged Williams with the theft, gave bail for his appearance, and brought suit against Conwell and Williams for slander. Thus stood the case until within a few weeks before court, when Donovan was missing. His bail followed him to Cincinnati and found his name registered on a boat for New Orleans. The well-known

voice of Donovan was heard in the drinking-saloon, cursing and swearing, and, as the bail entered, he reeled against the side of the door and fell drunk upon the floor. He was brought back by his bail, and delivered up to the Sheriff and put in jail. Court came on. He was indicted, tried, convicted, and sent to the penitentiary two years. The actions of slander were dismissed, and Donovan confessed to my brother that he had stolen his horse and sold him in Urbana.

ANECDOTE OF GOV. WHITCOMB.

In the winter of 1823, as I was about to leave Indianapolis for home, James Whitcomb told me he was going to Ohio, and wished to travel with me. Of course I was glad to have company, as the path led through the woods, and there were but three houses between Indianapolis and Whitewater. After an early breakfast we started, both riding good horses, intending to reach Dille's, on Blue River, near where Knightstown now stands. Some hours after night, to our much joy we saw the light at the cabin, rode up, and as we dismounted the sound of a fiddle saluted us. Entering the cabin, there sat before the fire a lame young man by the name of Amos Dille, with an old violin in his hand, scraping away, making any thing but music. He laid the violin on the bed, and started with our horses to the stable. As he closed the door, Mr. Whitcomb took it up, soon put it in tune, and when Amos returned was playing light and beautiful airs. Amos took his seat by me, seemingly entranced, and as Mr. Whitcomb struck up "Hail Columbia," he sprang to his feet. "If I had fifty dollars I would give it all for that fiddle; I never heard such music before in my life." After playing several tunes Mr. Whitcomb laid the instrument on the bed. Amos seized it, carried it to the fire where he could see it, turned it over and over, examined every part, and sang out, "Mister, I never saw two fiddles so much alike as yours and mine." Gov. Whitcomb was one of the finest performers on the violin I ever heard.

[Wednesday Morning, August 12, 1857.

ELECTIONEERING.

I have sketched the most important trials that were had during my two years as circuit prosecuting attorney, which ended with the spring term of 1826, when I became a candidate for Congress and resigned. Amos Lane was appointed my successor. The most of the sketches that will be given are of after occurrences.

My competitor for Congress in 1826, the Hon. John Test, was one of the first men in the State, had been on the court bench, was a fine lawyer, a good speaker, and had represented the district three full terms. The contest on my part looked at first almost hopeless. Stump speaking was just coming in fashion. The people met our appointments by thousands. The judge had his high character to aid him, and I brought to my aid a strong voice, reaching to the very extremes of the largest crowds. The judge went for the graduation of the public lands, and I went for home gifts to actual settlers. My position was the most acceptable to the masses. We met in Allenville, Switzerland county, on one occasion. The whole country was there. The judge was speaking, and for the first time introduced the new subject of railroads. He avowed himself in favor of them, and said he had voted for the Buffalo and New Orleans road, and then rising to the top of his voice, "I tell you, fellow-citizens, that in England they run the cars thirty miles an hour, and they will yet be run at a higher speed in America." This was enough. The crowd set up a loud laugh at the expense of the judge. An old fellow, standing by me, bawled out, "You are crazy, or do you think we are all fools; a man could not live a moment at that speed." The day was mine. The judge had ruined his prospects by telling such an improbable story at that day. On another occasion the judge was speaking in favor of the tariff in the highest terms. The people knew but little about it, but what they had heard was decidedly against it; few knew the meaning of the word, and fewer what it was like. One old fellow said he had never seen one, but he believed "it was hard on sheep."

PERILS OF A CONGRESSIONAL CAMPAIGN.

There was fun in those days. We had no parties then, and there was some life in a contest—very different from after times, when the candidates had to be engrafted into the party stock, and drew all their life and strength from the party to which they belonged.

On one occasion in after years I was speaking at a battalion muster in Ripley county, and had spoken over two hours. I noticed an old man leaning against a tree in front of me. As I closed he roared out, "Mr. Smith you have made one of the best speeches I ever heard, I agree with all you have said. Will you answer me one question before you leave the stand." "Most certainly." "Will you vote for General Jackson?" "No, sir, I shall vote for Henry Clay." "Then you can't get my vote." The question was between Jackson and Clay, and not between myself and competitor as to who should go to Congress, with the old man then. The contest grew warm, and more and more doubtful. My stock was rising, and with it my spirits. My district covered one-third of the State.

I had not, as yet, visited the county of Allen, some hundred miles north of Randolph. There were no roads, nothing but Indian paths, to travel at that day through the wilderness. In the early part of May I turned the head of my pony north for Fort Wayne. The streams were high and the path for miles under water in places. I rode in that campaign a small brown Indian pony, a good swimmer, a fine pacer, and a fine traveler. The first day after I left the settlements at the Mississinewa, I reached the Indian station at Francis Godfroy's. The chief was from home, but one of his wives came out at an opening in the picketing, and pointed toward Fort Wayne; the chief was there. She could not speak a word of English. I pointed to the stable, then to my horse, then to my mouth, then laid my head on my hands, shut my eyes, and commenced snoring. She seized the reins of the bridle; I dismounted and passed through the pickets into the house. My faithful pony was fed. Night came on at length; supper was announced, by motions; corn bread, venison, and sassafras tea, a bear skin on the floor for a bed, and sound sleeping followed. Breakfast of the same over, and I was about starting alone, when there came up an Indian that could speak a little broken English. I agreed with him for a guide for two dollars for a day to get me over the Salamonia and the Wabash rivers. We were soon on our horses, and off went my guide at full speed on his pony, and was soon out of sight. I overtook him, however, at the Salamonia. In we went, he leading. The ponies swam beautifully; and away we started for the Wabash. The path wound around the ridges until the river came full in sight. It was high, clear over the bank, and the current very rapid. The sun was some three hours high, the day warm and not unpleasant. I had neglected to provide any food, or even a knife for defense. The moment we reached the river

the Indian jumped down, peeled some bark from a hickory sapling, and spancelled the fore legs of the ponies. I sat down on the bank. The Indian was out of sight in a moment, in the woods, and I saw nothing of him for an hour, when he returned with the bark of a hickory tree, about twelve feet long and three feet in diameter. A fire was soon made. The bark was metamorphosed into a round-bottomed Indian canoe. The sun was about an hour high. The canoe was launched; my saddle, saddle-bag, and blanket placed in one end, and I got into the other. With my weight the edges were about an inch above water. I took the paddle, and, by using the current, landed safely on the other shore. The Indian swam the horse over, and held up two fingers. I paid him the two dollars; he started back, and I mounted the pony and striking the path went off at half speed. It was after twilight, when I came to a large lake, directly in my way. Fearing to go in, I turned the pony and rode out into the woods, to the top of a beech tree that had been blown down some time before. Dismounting, I tied the pony to the brush of the tree, took off the saddle-bags and blanket, and laid down, without any thing to eat, and very tired. In a few moments I heard the howling of wolves in every direction, sometimes close to me. The last thing I heard, as I fell a sleep, was an old wolf barking some twenty feet from me. I slept soundly through the night, and when I waked the sun was full in my face. At dinner I was at the hotel table in Fort Wayne, with an excellent appetite, having eaten nothing from early breakfast the day before. I made a speech that day from the porch of the hotel, and returned directly home. The election came on, and I received just ten votes in the county of Allen, to reward me for my perilous trip, while my majority in the district was over fifteen hundred.

A CHALLENGE.

The day after the election I was crossing the street at Connersville, when I heard the sound of horns up Main street, and in a few minutes I was surrounded by about fifty men on horseback, with Michael Spencer among them. I saw in a moment that they were political opponents, come to let me know that the vote of their township had gone against me. Spencer.—"How many votes do you think you got in our township?" "None, if you had any sense." "What do you mean by that?" "I mean that when I go to Congress, at least one-half of you will be in the penitentiary before I get back: nobody else can defend such men." Spencer.—"You shall account for that."

A day or two afterward Spencer called on me to defend him against an indictment in the Fayette Circuit Court, for challenging a man to fight a duel; by our laws at that time it was a penitentiary offense. I remarked, "Just as I told you." The trial came on at next term of the court, and Spencer was acquitted upon an "if." The challenge was, "*If* you will get a second and meet me to-morrow morning with pistols, I will meet you with my second and pistols." Judge Eggleston charged that it was not a challenge, but a mere conditional proposition that required an acceptance to give it the character at law of a challenge.

In my next I may sketch the trip of Gen. Noble and myself, seventeen days on horseback, to Washington City in the fall of 1827, and take some notice of the House, and of some occurrences that took place during the session.

[Thursday Morning, August 13. 1857.

STATE ORGANIZATION AND DIVISION OF PARTIES.

As I have already found that these Reminiscences can not be confined to trials alone, and give to them the interest desirable, I have concluded to take a wider range, and sketch other interesting incidents, that the reader may look for as they appear.

I came to Indiana in the spring of 1817. The political affairs of the State were then in the hands of three parties, or rather one party with three divisions—the Noble, Jennings and Hendricks divisions—which were all fully represented in the convention that formed the constitution of 1816. Gen. James Noble and Jonathan Jennings were delegates. Jennings was elected President and William Hendricks Secretary of the convention. It was evident to these leaders that personal political conflicts must arise between them unless the proper arrangements were made to avoid them. It was then agreed between them to aid each other in making Noble United States Senator, Jennings Governor, and Hendricks Congressman. An apportionment was made in the constitution to suit all parties. It was provided, at the close of Section 20 of Article 3, "Nor shall any member of either branch of the General Assembly, during the term for which he is elected be eligible to any office, the appointment of which is vested in the General Assembly. *Provided* that nothing in this constitution shall be so construed to prevent any member of the *first session* of the General Assembly from accepting any office that is created by this Constitution, or the Constitution of the United States." There were three judges to be appointed for the Supreme Court. Each sub-division was entitled to one. Gen. Noble selected Jesse L. Holman, living on the beautiful hights of the Ohio river, above Aurora, a good lawyer and one of the most just and conscientious men I ever knew. Gov. Jennings selected John Johnson, a fine lawyer and an excellent man. He lived but a short time, and after his death, in the winter of 1822–3, I named the county of Johnson for him in the Legislature, and not for Col. Richard M. Johnson, as some suppose. Gov. Hendricks named James Scott, of Clark county, a Pennsylvanian, one of the purest men in the State, a good scholar, and a fine lawyer. The opinions of no judge of our Supreme Court up to the present day, are I think entitled to stand higher with the profession than his. A strong common sense view of the case enabled him to select the grain of wheat from the stack of straw, and say, holding it up to the parties without discussing the chaff, "It is my opinion that this is a grain of wheat."

FIRST ELECTION OF OFFICERS.

The Constitution was ratified, the election held, and the Legislature met. Jonathan Jennings, was elected Governor; William Hendricks to Congress, General Noble and Waller Taylor to the Senate of the United States; Jesse L. Holman, John Johnson and James Scott, Supreme Judges. Judge Johnson lived but a short time, and Isaac Blackford, of Vincennes, a young lawyer, from New Jersey, a graduate of Princeton, was appointed to the vacancy. Like Judge Story, he looked too young for that high judicial station, but, to say the least, he came fully up to the expectations of his friends, as his decisions and reports conclusively show. He is now one of the judges of the United States Court of Claims, sitting at Washington. The principal characteristic of the mind of judge Blackford, is *caution*. He never *guesses*. He is emphatically a "*book* judge." Declamation with him is nothing, precedent and good authority, every thing.

MONROE'S SECOND ELECTION—GENERAL NOBLE.

The State organization and the distribution of offices went on swimmingly, the chiefs changing hands as in a country dance. Hendricks left Congress, Jennings left the Executive Chair, and went to Congress, and Hendricks was elected Governor; Noble was re-elected to the Senate, Waller Taylor died, Gov. Hendricks resigned, was elected to the United States Senate, over Judge Blackford, his competitor, by one vote; James B. Ray, President of the Senate, became ex-officio Governor, Judge John Test was elected to Congress in the third district, Jonathan Jennings in the second, and Ratcliff Boone in the first. Thus stood political and judicial matters at the time the second election of Mr. Monroe came on before our Legislature. There was no opposition. The people knew nothing about it. The Legislature sitting at Corydon, appointed the electors. The first notice I had that there had been a Presidential election, was from an extract in our Connersville newspaper taken from the Corydon paper, giving the names of the electors, among which was Daniel J. Caswell, and the giving of the vote of the State for Jas. Monroe and Daniel D. Tomkins, and yet as good and quiet an administration followed as any that is likely to be produced by our exciting elections at this day. General Noble was, as the saying is, born for a leader. His person, his every act, look, and motion suited the populace. He was emphatically a self-made man—quick, ready, and always prepared. His taste was quite military, and the old settlers of Whitewater will not soon forget the General, in full uniform, mounted on "Wrangler" at the

head of his division. He served two full terms in the Senate, died a Senator, comparatively a young man, and lies entombed in the Congressional Cemetery at Washington.

GOV. JENNINGS.

Governor Jennings, I also knew well. His great forte, like that of Martin Van Buren, was in managing the wires that controlled popular elections. Still, he was by no means destitute of talents. His messages read well, and he made a useful business member of Congress. As a public speaker he was not admired, but on paper he was a very formidable competitor. The Governor has long since been gathered to his fathers.

GOV. HENDRICKS.

Governor Hendricks was my early friend; gave me the first office I ever held in the State, and although I was elected over him, in 1836, to the Senate of the United States, we were personal friends till he died. The Governor, in person, was large and commanding; his manners were very popular. He had a smile on his face and a warm shake of the hand for all he met. He was not of the very first order of talents, but made all up by his plain, practical, good sense. He never attempted to speak upon subjects he did not understand. He made a good Governor, and stood well as a Senator. He too, has left us, and gone to his reward, at an advanced age.

JOHN TEST.

Judge John Test, the father of Judge Charles H. Test, was one of the first circuit judges, and served four terms in Congress from his district. He was one of the best lawyers of the State. His great forte was in sympathetic and persuasive appeals to the jury, in which he was eminently successful. He stood deservedly high, both as a lawyer and statesman. The Judge wore a black suit, with his queue to his waist. He died at a good old age, honored and respected by all who knew him.

GOV. RAY.

James B. Ray, the successor of Governor Hendricks, was the youngest man that had ever occupied the chair, at the time of his election. In person, he was above the ordinary size, with a high forehead, rather projecting, and a long queue. He was a popular stump-speaker, was

never beaten before the people for Governor, at one time beating Judge Blackford, at another Dr. Israel T. Canby and Harbin H. Moore. He was a zealous lawyer, but entered the political field before his forensic powers were fully developed. The Governor died comparatively a young man.

AMOS LANE.

Amos Lane was extensively known, both as a lawyer and a politician. His person was tall and commanding, of the finest mold, his gestures easy and graceful, his enunciation distinct and deliberate. He was strong before both court and jury. He was at one time Speaker of the House of Representatives and afterward represented his district in Congress. Mr. Lane was the father of George W. Lane of Dearborn, and of Col. James H. Lane of Kansas. He died in Lawrenceburgh, in advanced age.

GOV. NOBLE.

Noah Noble succeeded Governor Ray, and served two full terms. He was brother to Gen. James Noble, and one of the most popular men with the masses in the State. His person was tall and slim, his constitution delicate, his smile winning, his voice feeble, the squeeze of his hand irresistible. He spoke plainly, and well, but made no pretense to eloquence. As Governor he was very popular; his social entertainments will long be remembered. Gov. Noble died some years ago of consumption, in early life, and lies entombed in the cemetery at Indianapolis.

GOV. WALLACE.

David Wallace succeeded Gov. Noble for a single term. He was a West-Point graduate, a good lawyer, with a brilliant imagination, a clear, musical voice, and an eloquent flow of language. His person was fine, his eye piercing, his manner and gestures unsurpassed. He was in his early days one of the most eloquent speakers I have ever heard. The Governor is the father of William Wallace, of this city, and of Senator Lewis Wallace, of Montgomery, is still in full life, holding the office of Judge of the Court of Common Pleas at Indianapolis.

I may possibly continue these sketches of persons, until I have touched all the Governors, and the subsequent Judges of the Supreme Court, with a glance at the bar; but not yet.

[Friday Morning, August 14, 1857.

A NEW MODE OF EFFECTING A RECONCILIATION.

The middle of November, 1827, had come. I returned from Indianapolis Saturday night, and the next Monday evening met General James Noble at Blair's Hotel in Hamilton, Ohio, on our way to Congress. We rode good walking horses, and at the end of the seventeenth day dismounted at the Indian Queen hotel at Washington, kept by Jesse Brown. There were no railroads across the mountains then, stages were "all the go," and traveling on horseback fast going out of fashion. But the General stuck to the old mode all his life. The usual variety of scenery and incidents occurred on the route, interesting to me then, but of too little importance to have a place here, until we came to the top of the Alleghany one morning, where we stopped to breakfast. Just as we were sitting down to the table, the stage drove up. I stepped out, and found Gov. Jennings sitting on the back seat, the only passenger. I was then full of fun and mischief, and being aware that Noble and Jennings were at sword's points, not having spoken together for years, I halloed out at the top of my voice, "General Noble, come out here; here is a friend who wants to see you!" Noble left the table, ran out to the stage, opened the door and thrust his head into the face of Gov. Jennings, who was leaning forward. "Good morning, Governor, give us your hand." "Good morning, General, I am happy to see you." The stage drove on, and we returned to the table. The General gave me an inquisitorial look, "Did you not know that I never speak to Governor Jennings?" But from that time forth these leading politicians became reconciled, and continued friendly while both lived.

THE TWENTIETH CONGRESS.

Eleven o'clock Monday morning had arrived. The Hall of the House of Representatives was filled with members, the old acquaintances shaking hands, and we young ones looking on. Our State was represented by Governor Jennings, Thomas H. Blake, and myself in the House, and General Noble and Governor Hendricks in the Senate. I had heard and read much of the distinguished men of the nation, and I was now about to see them for myself. I shall long remember the deep interest I felt when Mathew St. Clair Clark began to call the roll. Nor can I forget the impression made upon me, as these distinguished men walked forward in front of the

Clerk's desk, to be qualified; nor yet the appearance of Judge Story as he administered the oath to support the Constitution of the United States. The reader will see by the few names my space will allow me to give, that the House of Representatives of the Twentieth Congress has never been surpassed, if equalled by any other since the organization of the Government.

I name, leaving the reader to supply the States that had the honor to elect them: John Randolph, Phillip P. Barbour, Andrew Stevenson, William C. Rives, William S. Archer, John Floyd, Charles Fenton Mercer, John S. Barbour, Alexander Smyth, James Buchanan, Richard Coulter, John Seargent, Andrew Stuart, Samuel D. Ingham, Samuel McKean, George Wolf, Joel B. Sutherland, Charles Miner, George Kreemer, Edward Everett, John Davis, Isaac C. Bates, John Reed, Tristram Burgess, Dutee J. Pearce, Silas Wright, Henry R. Storrs, Thomas J. Oakley, Gulian C. Verplanck, John W. Taylor, Churchill C. Cambreling, Ogden Hoffman, John C. Clark, Aaron Ward, Stephen Van Rensellaer, Selah R. Hobbie, Peleg Sprague, John Anderson, Gen. Ripley, Ichabod Bartlett, Rufus McIntire, Benjamin Swift, Rollin C. Mallory, Ralph J. Ingersoll, David Plant, Dr. Condict, Dr. Swan, Joseph F. Randolph, George McDuffie, William Drayton, William D. Martin, James Hamilton, Jr., Lewis Williams, James K. Polk, John Bell, John Blair, Prior Lee. David Crockett, Edward Bates, John C. Wright, Joseph Vance, Elisha Whittlesey, James Findlay, Samuel F. Vinton, John Woods, John Sloan, Mordecai Bartley, William Creighton, William McLean, William Stansberry, Edward Livingston, Joseph Duncan, Richard Buckner, Charles A. Wickliff, Robert P. Letcher, General Thomas Metcalf, Governor Clark, Henry Daniel, Robert McHatton, Austin E. Wing, Joseph W. White, Wilson Lumpkins, Thomas P. Moore.

But enough. Think it not strange that I should have looked at that day, upon such a body of men, with admiration, mingled with awe. They were mostly just entering upon the verge of middle life, with enough of youthful blood coursing their veins to give them quick and rapid action, and enough of age to mature their judgments in debate.

I wish my space would permit me to sketch some of the leaders, as I can yet see and hear them. It was the last Congress under the administration of John Quincy Adams. Gen. Jackson's popularity had returned to the House a majority, and Andrew Stevenson was elected Speaker over John W. Taylor.

THE TARIFF DISCUSSION.

The Tariff of 1828 was, that session, the prominent measure. It was debated long and ably. Two main ideas occupied the ablest speakers,—whether there was constitutional power to enact a protective tariff, and whether duties should be imposed upon the ad valorem or the specific principle. There were others equally important, as incidental,—whether high duties or low duties, would raise the most revenue. Some insisted that the duties laid by the bill were so high that the overflowing treasury would introduce extravagance and prodigality on the part of the administration, while others contended that it was low duties that would produce that result. The wiser of the debaters held that the only way to keep down the anticipated treasury plethora, was to lay high duties on articles of extravagance, and increase the free list, so as to include the necessaries of life. The Northern members were supporting the bill, the South opposing in mass, many Western members with them. Still it was likely to pass. Silas Wright and James Buchanan, leading Democrats, were warm in its support, — I voted with them. A caucus of the opponents of the bill was held and next day a motion was made to increase the duty on molasses ten cents per gallon, being an increase of a hundred per cent. ad valorem. The object of the amendment was to choke off the Northern members, and indirectly to kill the bill.

SCENE BETWEEN BURGESS, OF R. I., AND DANIEL, OF KY.

The moment the amendment was announced by the chairman, in committee of the whole, Mr. Burgess, of R. I., arose and implored the mover to withdraw it. He showed its effects upon the trade between the Eastern States and the adjacent islands, in timber and return cargoes of molasses, which was the daily food of the poor. His speech was short and to the point. As he took his seat Henry Daniel, of Kentucky, sprang to his feet and roared out at the top of his voice, "Mr. Speaker, let the constituents of the gentleman from Rhode Island sop their bread only on one side in molasses, and they will pay the same duties they do now." Mr. Bartlett, of New Hampshire, remarked to me, "Now look out for Tristram, Harry will catch it." Mr. Burgess arose, with fire beaming from his countenance, and addressed the chair. "The relief proposed by the gentleman from Kentucky, is but adding insult to injury. Does not that gentleman know that established habit becomes second nature,

and that all laws are cruel and oppressive that strike at the innocent habits of the people? To illustrate, what would the gentleman think of me if I should offer an amendment that neither himself nor his constituents shall hereafter have more than a pint of whisky for breakfast instead of a quart? Does he not know that the disposition of all animals partakes, in a greater or less degree, of the food on which they are fed? The horse is noble, kind and grateful; he is fed on grain and grass. The bear (looking at Daniel, who was a heavy, short man, dressed in a blue coat, with a velvet collar) will eat hog and raw hominy. You may domesticate him, dress him in a blue coat with a velvet collar, and learn him to stand erect, and to imitate the human voice, as some showmen have done, but examine him closely, sir (looking at Daniel some seconds); you will discover he is the bear still. The gentleman told us, in a speech some days ago, that his district produced large numbers of jackasses, hogs and mules. No stronger proof of the truth of his statements can be given than a look at its representative. I ask the gentleman to keep this extra duty off of molasses, and commence its use among his constituents, and as feeble as our hold upon life is, Mr. Chairman, a man may yet, before we die, be permitted to go to his grave with two eyes in his head in the gentleman's district." Daniel wilted under the sarcasm, and few members afterward felt disposed to arouse the eminent son of Rhode Island.

M'DUFFIE AND BATES.

George McDuffie was chairman of the committee of Ways and Means. The bill making appropriations to remove the Indians was in Committee of the Whole. The previous question was confined to the House, and there was no way of closing the debate and of taking the bill out of committee but to sit it out till all the members got tired of speaking, or some one could carry a motion that the committee rise and report the bill. John Wood, of Ohio, had the floor, but was immediately put down by the coughing and rattling of spittoons in the neighborhood of Mr. McDuffie, when Edward Bates, of Missouri, then her sole representative, rose, and addressed the Chair. The noise commenced. "I see that the Chair has not the will to protect Missouri from insult in my person; let the gentleman avow himself and I will protect myself, sir." McDuffie rose, bowed, and took his seat. "Is it the gentleman from South Carolina? I will see that gentleman another day." The debate closed, and Mr. Bates in my presence wrote a challenge to Mr. McDuffie, handed it to William

S. Archer who was sitting near us, who stepped across the hall: as he approached Mr. McDuffie pointed him to Mr. Hamilton as his friend. The matter was afterward arranged by Mr. McDuffie disavowing any intention of insulting Mr. Bates, having merely resorted to that means to get the bill out of committee.

There were several other interesting incidents during that Congress, that I may on some other day take time to sketch.

[Saturday Morning, August 15, 1857.

REV. HENRY WARD BEECHER.

The organ had been placed in the Second Presbyterian Church at Indianapolis. Sabbath evening had come. The church was brilliantly lighted up. The last bell was tolling when I entered the Church. The Rev. Henry Ward Beecher was in the pulpit, Charles Beecher seated at the organ, and A. G. Willard, John L. Ketchum, Lawrence M. Vance, Alexander H. Davidson, Dr Ackley, Master Albert Willard, Mrs. Ackley, Mrs. Ketcham, Miss Graydon and Miss Merrill in the choir. The house was crowded. The Organ played; the choir sang—

The voice of free grace cries,—"Escape to the mountain!"
For Adam's lost race Christ hath opened a fountain;
For sin and uncleanness, and every transgression,
His blood flows most freely in streams of salvation.

CHORUS.

Hallelujah to the Lamb! he hath purchased our pardon,
We'll praise him again, when we pass over Jordan.

Ye saints that are wounded! Oh! flee to the Saviour,
He calls you in mercy,—'tis infinite favor,—
Your sins are increasing,—"Escape to the mountain"—
His blood can remove them—it flows from the fountain.

O, Jesus! ride onward, triumphantly, glorious,
O'er sin, death and hell thou art more than victorious;
Thy name is the theme of the great congregation,
While angels and saints raise the shout of salvation.

With joy we shall stand, when escaped to the shore,
With harps in our hands, we'll praise him the more,
We'll range the sweet plains on the bank of the river,
And sing of salvation for ever and ever.

Mr. Beecher rose in prayer; he was deep, pathetic, and closed in tears. Gave out for the choir:

Hark!—ten thousand harps and voices
Sound the note of praise above,
Jesus reigns, and heaven rejoices—
Jesus reigns, the God of love.
See! He sits on yonder throne,
Jesus rules the earth alone.

Jesus, hail! whose glory brightens—
All above, and gives it worth;
Lord of life! thy smile enlightens,
Cheers and charms thy saints on earth.
When we think of love like thine,
Lord! we own it love divine.

King of glory! reign forever—
Thine an everlasting crown;
Nothing from thy love shall sever
Those whom thou hast made thine own.
Happy objects of thy grace
Destined to behold thy face.

Saviour hasten thine appearing;
Bring—oh! bring thy glorious day,
When the awful summons hearing,
Heaven and earth shall pass away.
Then, with golden harps we'll sing—
"Glory, glory to our King!"

The music ceased; the eyes of the congregation were fixed upon the youthful preacher as he arose and announced the text. "And I say unto you, that many shall come from the East and West, and shall sit down with Abraham, and Isaac, and Jacob, in the kingdom of heaven." It was the evening sermon, and Mr. Beecher made little use of his notes, but gave reins to his imagination. His mind took in the whole race of man, as included in the text. The discourse held the congregation over an hour and a half in deep feeling. The great powers of the orator were brought to their highest pitch. He closed—"Yes they shall come from the East and the West, from the North and the South, from every part of the globe where man ever lived, or died—of every color, nation, kingdom—of every sect, of every tongue, from every congregation, from every people, and shall sit down with Abraham, and Isaac and Jacob in the kingdom of heaven. If I should be there, and I trust that my great Master will vouchsafe me that glorious blessing, if I should prove faithful to the end, I shall expect to meet some of the misguided followers of the false prophet, Joe Smith, the Mormon, who had come up out of great tribulation with pure hearts and contrite spirits; should I meet with one such I should feel like the mariner at sea, in a dark night, when his foundering vessel is tempest-tossed; he casts his eye above and if he sees one twinkling star peering through the darkness, he hails it with a thousand times more joy than he would on a clear night the whole galaxy of the heavens overspread." The sermon closed and the congregation retired.

Mr. Beecher is below the medium size; his complexion fair, his eyes prominent, his forehead large, his features fine, his voice strong and musical, well-trained and completely under his control. His elocution is of the highest order, his command of the English language seems to be perfect, indeed he plays upon the language as a skillful performer does upon the keys of the piano. He is one of the finest mental philosophers of the age, while his mind is stored

with knowledge drawn from all possible sources, his imagination is brilliant. As a preacher, he is a landscape painter of Christianity. Mr. Beecher has no model. He is the original of himself. He is always new. He imitates no man and no man can imitate him. The great power of Mr. Beecher over his congregation consists mainly in the clearness of his mental vision, the range of his thoughts, and the deep interest he imparts to whatever he touches. He speaks as if conscious that he is telling the truth, and his audience believes he thinks so. Mr. Beecher is emphatically an off-hand man. His mind is quick and impulsive, and should he never again write a sermon for delivery he would lose none of his pulpit force. He was never intended for the straight-jacket, nor the jacket for him. He always makes the best use of his materials, and he has at command an endless variety. Mr. Beecher will always have a large audience, he holds his own congregation, and draws to his church the traveling public. The theater for his genius and talents was too circumscribed at Indianapolis. The Plymouth Church at Brooklyn, seating its thousands, is filled to overflowing whenever he preaches. It may be safely said, that Henry Ward Beecher is this day among the most popular pulpit orators of the United States.

REV. CHARLES WADSWORTH.

While on a visit to my brother's in Philadelphia, I attended the Old-School Presbyterian Church in Arch street. The Rev. Charles Wadsworth, the pastor, preached. I found the house filled when I got there. A deacon kindly gave me a seat in front of the pulpit. Mr. Wadsworth is a small, spare man, of dark complexion, good face, hair and eyes black, musical voice, but I thought rather careless of his gestures. His sermon was written, lying before him. He is near sighted, and his eyes were too much upon the manuscript for effect.

The organ played, and the choir sang the beautiful hymn—

Rock of ages, cleft for me!
Let me hide myself in thee,
Let the water and the blood,
From thy wounded side which flow'd,
Be of sin the perfect cure;
Save me, Lord! and make me pure.

Should my tears forever flow,
Should my zeal no languor know,
This for sin could not atone,
Thou must save, and thou alone:
In my hand no price I bring;
Simply to thy cross I cling.

While I draw this fleeting breath,
When mine eye-lids close in death,
When I rise to worlds unknown,
And behold thee on thy throne,
Rock of ages cleft for me!
Let me hide myself in thee.

The music was of high order, but I did not think it surpassed that of the choir of the Second Presbyterian Church at Indianapolis, in the days of Mr. Beecher.

Mr. Wadsworth pronounced the text in a solemn voice: "For they have sown the wind, and they shall reap the whirlwind."

I had heard much of Mr. Wadsworth as an eminent, learned divine. I expected much, and was not disappointed. He commenced low, but silence reigned. "Can a man violate the laws of nature with impunity? Can he expose his body to the elements, at all times, with safety? Can he take fire in his hand without burning? Can he step from the steeple's top without falling? Can he spend his days and nights in dissipation and feel well? Can he violate the commandments of God and feel happy? Let him try it, and he will find in this life, that he has sown the wind and shall reap the whirlwind. Think it not strange then, that we preach that those who sow the wind in time, shall reap the whirlwind in eternity."

[Wednesday Morning, August 19, 1857.

ITINERANT PREACHERS.

I should be false to the history of Early Indiana were I to pass by in silence the itinerant Methodist preachers who contributed so much to the establishment of good order, quiet, intelligence, morality and religion among the first settlers, and without intending to give offense to others, I venture the remark, that early Indiana, nay, more, Indiana to-day, owes more to the itinerant Methodist preachers than to all other religious denominations combined.

Their system carried their churches into every settlement, and where two or three were gathered together, there was a Methodist preacher or exhorter in the midst. They were at the bed-side of the dying man on their knees, and at the grave their voices were heard in songs of praise. Other denominations waited for the people to come up from the wilderness to worship, while the itinerant Methodist preacher mounted his horse, and sought out their cabins in the woods, held his meetings there, carrying the Gospel, and leaving the Bible and Hymn Book as he went.

The woods of Indiana were not settled without much sickness, many deaths and great suffering among the people. Of course we were too sparsely settled, and our towns too small, to be the subjects of such awful epidemics as visited New Orleans in the year 1853, the last time the yellow-fever made its appearance in that devoted city; when the waters of the Ohio and Mississippi had almost forsaken their channels, when at intervals only there might be seen a solitary steamer, loaded to the guards, with passengers leaving the city, and slowly wending her way up the crooked channels of the rivers, leaving thousands of citizens behind to perish; when the hum of business ceased, and nothing was heard in the streets but the sound of the lonely hearse slowly and solemnly bearing to the grave the silent dead; when the levees were deserted and Commerce had spread her sails for happier ports; and when a Nation's sympathy mingled with her cries of woe.

While we had none of these awful visitations, there were few families some members of which were not laid upon the bed of sickness and death.—Connersville was so sickly that I was advised by my friends to leave it and fly for my life.—Indianapolis was no better, indeed its reputation was still worse, and the whole country was in the hands of the physicians and nurses.

LORENZO DOW.

In the year 1819 I was one of a congregation assembled in the woods back of Rising Sun, anxiously awaiting the arrival of Lorenzo Dow. Time passed away, we had all become impatient when in the distance we saw him approaching at a rapid rate through the trees on his pacing pony. He rode up to the log on which I was sitting, threw the reins over the neck of the pony and stepped upon the log, took off his hat, his hair parted in the middle of his head and flowing on either side to his shoulders, his beard resting on his breast. In a minute at the top of his voice he said: "'Behold, I come quickly and my reward is with me.' My subject is repentance. We sing, 'while the lamp holds out to burn, the vilest sinner may return.' That idea has done much harm and should be received with many grains of allowance. There are cases where it would be easier for a camel to go through the eye of a needle than for a man to repent unto salvation. Let me illustrate: Do you suppose that the man among you who went out last fall to kill his deer and bear for winter meat, and instead killed his neighbor's hogs, salted them down and is now living on the meat, can repent while it is unpaid for? I tell you nay.—Except he restores a just compensation his attempt at repentance will be the basest hypocrisy. Except ye repent, truly ye shall all likewise perish." He preached some thirty minutes. Down he stepped, mounted his pony, and in a few minutes was moving on through the woods at a rapid pace to meet another appointment.

SKETCHES OF PREACHERS IN EARLY INDIANA.

I may be excused for naming some of the itinerant Methodist preachers of early times, to whom I allude in the commencement of this sketch—James Jones, Augustus Jocelyn, John P. Durbin, James Conwell, John Hardy, Aaron Wood, James Havens, Elijah Whitten, John Morrow, Thomas Silvey, John Strange, and Allen Wiley. I had the pleasure of frequently hearing all these eminent preachers. John Strange had a brilliant imagination, and was a splendid preacher. Sometimes I thought him a little too high in his thoughts for the audience he was addressing. He would talk of the "zigzag forked lightnings playing through the concave vaults of heaven," and again of "the cherubim and flaming swords guarding the paradise of God." I loved to hear him.

Mr. Jocelyn was, at times, one of the ablest sermonizers of the age. At others, he would lose the text, and forget his entire discourse. I saw him at one time at Centerville, standing silent before the congre-

gation, his eyes gazing at vacancy. "I am lost—the text and the subject have left me," and down he sat. A hymn was sung, the meeting was closed, and the congregation retired. On one occasion he was preaching at Connersville; I was sitting just before him. He seemed to preach long. I became uneasy about the fire in my office—I could not tell why. The moment he closed, I stepped out and saw the smoke issuing from the windows. I arrived barely in time to save the building. I told him why it was I left so abruptly. He said he noticed my uneasiness and closed the sermon sooner on my account.

James Jones lived at Rising Sun. He was what might be called a good, sound old-fashioned preacher, who contributed his aid with all his power to the cause of morality and religion. I have heard him often, and was always one of his attentive listeners.

John Hardy and Thomas Silvey were of the class known as "local preachers," though they traveled and preached up and down Whitewater at times. They preached directly at the heart, leaving doctrinal and controversial matters to others; and yet I have often thought that they did quite as much good as many others of much higher pretensions.

Allen Wiley was a preacher of a different cast. I have heard him preach some of the most powerful sermons I ever listened to. He commenced slow, deliberate, and cautious, feeling his way to the hearts of his congregation until his feelings would take charge of his tongue, and then he threw his whole soul into the subject, and closed with such appeals to the congregation as left few dry eyes at the singing of the closing hymn.

James Conwell was a zealous preacher, and at times I thought him strong. His elocution was not very fluent, but his strong common sense made him very acceptable to his congregations. He did much good as a co-worker in the cause of morality and religion.

John Morrow was much of the order of Jas. Conwell. He was a good preacher. I had heard him often, and had but one fault with him; he carried no watch, and sometimes, in his zeal, would forget the time of day. While I was a candidate for Congress, I met Father Morrow and several other Methodist preachers at Conwell's store, in Decatur county. They were on their way to Conference. Our horses were feeding, dinner not ready and we took a short walk to the spring, under the shade of some spreading elms. Father Morrow proposed that I should make a speech. The motion was seconded by all the preachers, and I addressed them for about two hours, with as much sound as if I had been speaking to thousands. At the close father Morrow remarked that he liked the speech, but it was a little too long. "Ah,

father Morrow, I thought it was my last chance to punish you a little for what I have suffered under your long sermons." The other preachers smiled, and I was told the remark was like seed sown on good ground.

John P. Durbin was a young, ardent preacher, but as I may notice him again, I will pass him by and come to James Havens, the Napoleon of the Methodist preachers of eastern Indiana. I knew him well. He seemed to be made for the very work in which he was engaged. He had a good person, a strong physical formation, expanded lungs, a clear and powerful voice, reaching to the verge of the camp ground, the eye of the eagle, and both a moral and personal courage that never quailed. His powers as a preacher were of a very high order. I never heard but one man that was like him in his meridian days, and that was father Newton, who visited this country years ago from England, as the delegate to the American conference.—The great characteristic of Mr. Havens as a preacher was his good common sense. He could distinguish his audience so as not to throw his pearls before swine. He could feed his babes with the "milk of the Word," and hurl the terrors of the law at old sinners. He seemed to know that old blood never runs in young veins which so many preachers and presidents of colleges too often forget. Mr. Havens was one of the most powerful preachers I ever heard, and I have no hesitation in saying that the State of Indiana owes him a heavier debt of gratitude, for the efforts of his long, and valuable life, to form society on the basis of morality, education and religion, than any other man, living or dead.

Aaron Wood was young as a preacher when I knew him, but he was of high promise. He had a good mind, a happy elocution, and zeal without bounds. I thought the last time I heard him, in the Court House at Connersville, that his work would soon be over, as he preached with all his power until he was exhausted and fell into the arms of a brother. The last time I saw him, however, he was in good health, with a green old age upon him.

Elijah Whitten was one of the most energetic and ardent preachers that ever traveled the Whitewater country. He was strong in doctrine, but I thought his great forte was in exhortation. No man I ever heard could bring more mourners before the altar, than he could. He was highly respected as a preacher, and I have no doubt did great good in his day.

I have now briefly sketched some of our pioneer itinerant Methodist preachers. It is intended to be the best portrait I can draw, but still, no doubt, their relatives and friends may be able to discover many defects which I have overlooked in my sketch. I hope, however, that the general physiognomy of each may be recognized.

[Thursday Morning, August 20, 1857.

SCENE BETWEEN BURGESS AND M'DUFFIE.

The House of Representatives had been in session but a few days after the appointment of the standing committees, when Mr. Mc Duffie, chairman of Ways and Means, made his report, fully sustaining the free-trade doctrines of the South, and repudiating protection in all its phases. The report was read and Mr. Burgess arose and sarcastically remarked—"I am glad the chairman has taken his cue from the Boston free-trade report," and sat down. Mr. Mc Duffie sprang to his feet. "If the gentleman charges me with taking my report from the Boston free-trade report, I pronounce it false, and call upon the gentleman to take back what he has said." The excitement in the House was intense, when Mr. Burgess was seen rising on the opposite side of the hall, his bald head, high forehead, and long hooked nose giving prominence to his appearance. The House was as silent as midnight, and all eyes were turned upon the old man. I can yet see him and hear his voice. He began in the most subdued manner, in a low tone. "Mr. Speaker, I rise to take back every word I said about the report of the Committee of Ways and Means. The chairman says it is false that he took his report from the Boston free-trade report. He says he is the author and he is an honorable man. Now a word as to myself. I beg to assure the House that I was induced to make the statement by facts before my eyes that I thought at the time warranted the charge; but the gentleman says it is all false, and he is an honorable man. The Boston free-trade report was published and sent to the Members of Congress weeks before the session. I read page after page of the report of the Committee and find it word for word with the Boston report. I send to the Clerk these reports and ask him to read from the marked pages." The Clerk read aloud from the two, alike in word and letter. As he read the head of Mc Duffie sank to his breast. The Clerk ceased. Mr. Burgess raised his voice to its highest pitch, "I take it all back Mr. Speaker, the chairman says it is false and he is an honorable man," and took his seat amid applause from the galleries, and deep sensation in the House. Mc Duffie made no reply and the Speaker proceeded to the business on his table.

GENERAL NOBLE AND MR. CALHOUN.

A few days after, I crossed the rotunda and entered the Senate Chamber. Mr. Calhoun was in the chair and General Noble had the floor. The subject seemed to be of a personal character and the Gen.

was alluding to the relation that existed between Mr. Calhoun and Mr. Van Buren and their standing with Gen. Jackson. As I first caught the remark of Gen. Noble, "I tell you Mr. President the 'little Magician' will spoil your dish with the old hero, he is as cunning as a serpent and as harmless as a dove." "The Senator will confine himself to the subject." "Which subject?" "The one before the Senate." "I am trying to do so. I see but one subject before the Senate, the other is at the White House." "The Senator will take his seat." "As I was saying, the little magician—" "The Senator was directed to take his seat." "So I did, but the Chair did not expect me to sit there the balance of the session." I have not sketched this scene merely to show the sensitiveness of Mr. Calhoun at that time on the question touched by Gen. Noble, nor to show the ready wit and tact of the General, but to record the fact that it was early known in political circles that Mr. Van Buren was winning his way to a position in the regards of Gen. Jackson, destructive of the political relations between the General and Mr. Calhoun. The breach between these great leaders, as is known, became wider and wider, until the President's proclamation and Force bill, directed at Mr. Calhoun and the Southern Nullifiers, was published and widely circulated. Gen. Jackson became greatly excited, and fixed his eye upon Mr. Calhoun with a determination to bring the whole force of the Government upon South Carolina, and Mr. Calhoun, as their leader, at the commission of the first overt act. James K. Polk told me that he was the first person, one rainy morning, that entered the audience-room of Gen. Jackson. "I found the General up, early as it was, walking the room, evidently under some excitement. 'Good morning, Col.,' said he, 'any overt acts of Mr. Calhoun yet?'" It is not my purpose here, to go further in this matter: that belongs to Mr. Benton's "Thirty Years," or the historian of the times. These are only intended to be sketches.

EXCITING SCENES IN THE HOUSE.

In the progress of the session there arose a most exciting and interesting personal debate between John Randolph, John C. Wright, Alexander Smyth, Samuel D. Ingram and James Hamilton, Jr., in which George Kreemer was at last involved. The powers of John Randolph are widely known, and need no indorsement by me. The other gentlemen were not entirely unknown to fame. George Kreemer had made himself famous as the author of the Card charging Mr. Adams and Mr. Clay with a bargain that Mr. Clay should vote for Mr. Adams for President, in consideration of which Mr. Adams should

appoint Mr. Clay, Secretary of State, an event the prognostication of which was like predicting, as the sun sets behind the western hills, that he will rise in the morning in the east. It was like the guess of another wise prognosticator, that Martin Van Buren would support Gen. Jackson after he left Mr. Crawford, and that the General would appoint him Secretary of State. These appointments grew out of the nature and fitness of things, and not out of a corrupt bargain, as calumniators charged, and yet the charge stuck to Henry Clay through his whole life and is still like a poisonous miasma hovering over his tomb. The debate had lasted days, when John C. Wright arose to reply; he had already placed himself at the very head of the House as a cool, collected, pointed, sarcastic debater; nothing could excite him or throw him off his balance. As he arose I observed Mr. Randolph rise and walk down the main isle toward the door. Mr. Wright, in a loud voice, "I have a word for the gentleman from Virginia, the same gentleman I now see *retreating* from the hall of the House." Mr. Randolph, turning and walking back to his seat, with his shrill voice, "I am not retreating, I am not retreating." "No, Mr. Speaker, the gentleman is *advancing*, I hope he will remain with us, I have much to say to him to day." In the course of his remarks he was very severe, so much so at times as to bring down the hammer of the Speaker. While he was upon Mr. Randolph, Gen. Hamilton, of South Carolina, who was one of the worshipers of Mr. Randolph, sprang to his feet and at the top of his voice, under great excitement, "The most infernal tongue that was ever placed in a man's head, and wholly irresponsible; challenge him, and he will swear he can't see the length of his arm." This idea grew out of the answer of Mr. Wright to the challenge of Romulus M. Saunders—"I have received your challenge, but can not accept it; owing to the imperfection of my vision I could not tell your honor from a sheep, ten steps." The moment Mr. Wright took his seat, George Kreemer rose, and with a voice like a newly-weaned mule colt, "The gentleman reminds me of an old hen I have at home, that is always cackling and never lays an egg." As flat as this was, there was, evidently by preconcert, a roar of laughter over the House for the moment. Mr. Wright rose in an instant. "I rise, Mr. Speaker, to a point of order. I wish to learn from the Chair whether it would be in order to read the record of an indictment for perjury which I hold in my hand, against one George Kreemer?" The Speaker, much excited —"Certainly not, certainly not." "I only asked for information, I have no disposition to violate the rules of the House." The excitement had now become intense. The House adjourned. Mr. Wright and Mr. Vaughan, the British Minister, started down the Avenue arm

in arm; when near Third street some one pushed them off the pavement into the gutter. Mr. Vaughan always went well armed, and turning his eye to Mr. Wright, "Who was that?" "Never mind it; he is an aggrieved member of Congress." The moment the House met the next morning Mr. Kreemer rose to a matter personal to himself, stated the facts connected with the prosecution against him, showed that he was acquitted, and had been twice elected to Congress from his district afterward. The matter was passed by, and the House proceeded to business.

I may spend a day of leisure in the Supreme Court of the United States, with my next sketch.

[Friday Morning, August 27, 1857.

COL. CROCKETT.

There has been much said and written of Col. David Crockett, who was a member of the twentieth Congress. He has been represented as an unlettered, uncouth, and ignorant man—a mere backwoods buffoon." I knew the Colonel well. He was a large, muscular man, with great bodily strength, and as brave a man as ever lived. He was comparatively without education, it is true, but his strong common sense gave him an efficiency greater than many of the higher class of members could boast. The Colonel had a newspaper controversy with his colleague, Col. Prior Lee, that became very bitter, and I believe, ended in a challenge on the part of Mr. Lee. But no duel followed, as Col. Crockett told me he was on principle opposed to settling controversies in that way. The gallant Colonel and his comrades afterward fell, covered with wounds, overpowered by superior numbers, at the battle or massacre of the Alamo, by the Mexicans under Santa Anna, while bravely fighting for the independence of Texas.

NORTH CAROLINA INTELLIGENCE.

There arose a personal debate during the session, between Judge Dorsey, of Maryland, and Samuel P. Carson, of North Carolina, which became highly interesting to the House, as it was carried on with the utmost good humor on both sides. It was evident, however, that Judge Dorsey had decidedly the advantage of his North Carolina competitor. The debate ultimately turned upon the comparative intelligence of the constituents of these gentlemen. Mr. Carson had charged the people of the eastern shore of Maryland with ignorance of the history of the country, owing to their inability to read or write, and closed with a most ludicrous account of the subserviency of the Marylanders to the supposed great men of the country. The good humor of the House seemed to be on the side of North Carolina, when Judge Dorsey rose to reply, his face covered with fun. John Leeds Kerr, afterward United States Senator, whispered in my ear, "Dorsey can say funny things." I give a sketch of his speech from recollection. "The gentleman says my constituents are ignorant and illiterate; I will not retort upon those who sent him here, but relate a few facts and leave the House to judge between us. Dates are important. The late war was declared in 1812, and the British army ingloriously burned the capitol in 1814, to the lasting disgrace of that

nation. The whole scene was immediately published in the National Intelligencer, and copied into every paper in the United States. The war was over and peace restored by the treaty of Ghent. Just ten years after the burning of the Capitol, my business took me into the gentleman's district. I was approaching the principal town, when I heard the sound of a fife and drum emerging from a yellow-pine woods near the town, where they were making tar and turpentine. I saw before me the waving plume and marching, with quick step, of a regiment of men, the stars and stripes borne aloft, with the motto 'North Carolina now and forever,' in large letters. I rode directly up to the principal hotel, kept by a landlord that evidently lived well, and knew how to entertain his guests if he was pleased with their standing. The moment I was seated on the porch he addressed me. 'Have you heard the news?' 'What news?' 'Why the British have burned the Capitol and our army is moving forward as you see to meet the enemy.' 'When did you get the news?' 'We got it last night abut seven o'clock. That you may understand how this happened—just before the last war we held a great public meeting to give information to the people. It was found that there was but one man in the county that could read. He was elected county reader. We had no newspaper. We then voted to take the National Intelligencer, and that every Saturday afternoon the paper should be publicly read, beginning at the first page and reading it regularly through, advertisements and all; since then our reader has kept constantly at it every Saturday afternoon. Last night he read the burning of the Capitol by the British. We at once flew to arms. The old Revolutionary spirit is completely aroused.' Dinner was announced and I took my seat at the head of the table, when out sprang my landlord and in a moment announced that the President of the United States was approaching in a coach and four with out riders, and sure enough up drove the coach with four splendid grays, and out-riders in full livery. The distinguished personage stepped from the coach, and was bowed into the parlor by my landlord, hat in hand. Curiosity led me to place one ear to the opening. The landlord bowing to the floor—'The President of the United States, I presume.' 'Not exactly.' 'The Secretary of State?' 'Not exactly.' 'The Secretary of War?' 'Not exactly.' 'The Secretary of the Navy?' 'Not exactly.' 'The Governor of North Carolina?' 'Not exactly.' 'Joseph Gales, the editor of the National Intelligencer?' 'Not exactly.' Then raising his voice and stamping his foot angrily on the floor, 'Who in the thunder are you?' 'I am a merchant tailor from Washington City, and have come here to collect some bills.' 'You

can pass on, I have no room for you.'" The Judge closed amid thunders of applause, his triumph was complete. Mr. Carson laughed heartily, and the matter ended in the best of personal feelings.

CORWIN AND JENNIFER.

The above reminiscence induces me here, lest I forget it, to sketch a somewhat similar contest between Daniel Jennifer, of the eastern shore of Maryland, and Thomas Corwin of Ohio, in after years, in which the Marylander met an opponent of different metal and came off second best. It was at a social party. All was fun and hilarity. Mr. Jennifer was a man of decided talents; was many years a representative in Congress from his district, and was ultimately sent abroad by the Government as a first-class minister plenipotentiary. He was full of wit and sarcasm and used them without mercy when an opportunity offered. That evening he was unusually severe. At length he singled out Mr. Corwin and the State of Ohio for his remarks, contrasting Maryland and its intelligence, with Ohio and her ignorance, not forgetting the fine oysters of the Eastern Shore and the "canvas backs" of the Chesapeake. When the opportunity offered, Gov. Corwin remarked that he had no speech to make but he would relate a circumstance that occurred some years ago in the District Court of the United States of Ohio, at Columbus. A Revolutionary soldier made application to the court for pension papers, and introduced an old man as his witness to prove the services. The witness testified that the services were performed, that he served in the same company in the same regiment in the Maryland line. The proof seemed complete. The judge was satisfied. The certificate was about to be ordered, when the judge asked the witness how old he was. "I am just thirty-five years old." "What do you say?" "I am just thirty-five years old." "And you swear that you served in the Maryland line in the Revolutionary War?" "I do." "Marshall, take the witness into custody; District Attorney, prefer a bill of indictment against the witness for perjury in open court." "Stop, Judge, don't be too fast, let me explain." "There can be no explanation, take him to jail." "But, Judge, just hold a moment, I can explain to your satisfaction if you will let me." "What have you to say?" "I was born and lived on the eastern shore of Maryland until I was forty years of age; I lived so poor, and it was so hard to get along there, that I never count them forty years at all. I came to the State of Ohio thirty-five years ago; I have lived so well, and it has been so easy to make a living since, that I am willing to account for the

thirty-five years that I have lived in Ohio. Is not this explanation satisfactory, Judge?" "Perfectly. The prisoner is discharged." All eyes were upon Mr. Jennifer, who looked as if he was satisfied too, with the reply of the Governor.

FIRST SPEECH IN CONGRESS.

For many years one of the most important subjects for Indiana had been the construction of the Cumberland road, starting at Cumberland in Maryland, and running west through Wheeling, Columbus, Indianapolis and Springfield, Illinois, to St. Louis, its terminus. Congress dealt out appropriations with a sparing hand annually, so as barely to keep the work alive, but not sufficient to prosecute it vigorously. The main business of the Indiana delegation was to secure the annual appropriation. Governor Jennings being the oldest member from the State, was looked to by Col. Blake and myself to lead in support of the Bill, and in reply to the opposition. The bill apportioning $100,000 to the work, had been introduced and referred to the committee of the whole. The House went into committee, the bill was called up, Philip P. Barbour, of Virginia, one of the strongest men in the House, rose and went into a long constitutional argument to prove that the general government had no power to make appropriations to construct the work. "I am in favor of a strict construction of the Constitution; I contend that Congress can do no act not *expressly* authorized by the letter of the Constitution." His speech was able, and we greatly feared its effect upon our favorite measure. My colleagues were not disposed to speak; I had not spoken, I felt much reluctance to speaking, but duty seemed to require it. I got the floor for next day. The committee arose, and the House adjourned. I was in for my first speech in Congress. I passed a sleepless night. I concluded to back out. By daylight I was up walking the pavement before my boarding-house, when the newsboy handed me the National Intelligencer, wet from the press. I opened the paper, glanced over the congressional proceedings, looked under the editorial head, when oh! horror of horrors! there it was, "The Hon. Oliver H. Smith will address the committee to-day, in reply to the Hon. Philip P. Barbour, on constitutional powers." Here I was; there was no backing out without disgrace. I could eat no breakfast. The hour arrived. The House was crowded. Mr. Barbour was seated before me. My friends were around me to give me courage. I grew more bold as I advanced, and never to this day did I feel when I closed a two hours' speech, that I had done myself more justice. The bill was passed by a large majority.

[Saturday Morning, August 22, 1857.

THE REV. GEORGE G. COOKMAN.

It was Sabbath morning. The last of the city church-bells was ringing as I left my boarding-house on Capitol Hill, at Washington city, for Wesley Chapel. It was quarterly meeting. The preacher had closed his sermon, when there arose at the desk, a slender, spare man, about five feet eight, dark complexion, black hair falling carelessly over his high forehead, lean bony face, wide mouth, round-breasted black coat, with velvet falling collar, black vest and pantaloons. Addressing the congregation he said,—"We desire to take up a small collection for the relief of destitute, worn-out Methodist preachers and their families. We appeal to-day to the hearts of the congregation," and took his seat. A large collection followed. I whispered to Patrick G. Good, of Ohio, who sat by me, "Who is that?" "Don't you know him? It is George G. Cookman." The next Sabbath I was at the chapel again. Mr. Cookman preached. I returned satisfied that he was no ordinary man. The election for Chaplain of the Senate came on a few days after, and without the knowledge of Mr. Cookman, I privately suggested his name to the Senators around me. The most of them had heard him preach. He was elected Chaplain by a decided vote over the Rev. Henry Slicer, against whom there was not the least objection; but we wanted to bring Mr. Cookman more prominently before the public. The next Sabbath he preached his first sermon in the hall of the House, to a very large congregation, from the text "The sword of the Lord and of Gideon." He made a profound impression on his hearers that day, which seemed to increase with every succeeding sermon.

It is not my purpose to sketch the many sermons of Mr. Cookman during the time he was chaplain of the Senate, the most of which I heard. He was a clear, distinct, and powerful preacher. The remarkable clearness of his mental vision enabled him to see and describe whatever he touched so as almost to make Paul, Silas, Peter, Mark, and John stand before you as he named them. His tone of voice, as he warmed with his subject, and the tear stealing down his cheek, were irresistible. As a pulpit orator, take him all in all, he had few equals, and no superiors, that I ever heard. There was no place for a choir where Cookman sang. His voice was melody itself. I heard him in the Senate Chamber on the funeral occasion of Senator Betts, of Connecticut. The Chamber was crowded. The President, Departments, foreign Ministers, Senators and Representatives were there. I distinctly recollect one of his figures of speech. "As the human

family come upon the great stage of life, they find at every fork of the road the finger-board distinctly pointing to the grave—to the grave! There is no other road to travel from infancy to old age and death but the road that leads to the grave." There was not a dry eye in the Chamber when he closed his sermon of one hour, and sang alone the first verse of the hymn—

And must this body die?—
  This mortal frame decay?
And must these active limbs of mine
  Lie mouldering in the clay?

God my Redeemer, lives,
  And often from the skies
Looks down and watches all my dust,—
  Till he shall bid it rise.

Arrayed in glorious grace,
  Shall these vile bodies shine;
And every shape, and every face,
  Look heavenly and divine.

These lively hopes we owe
  To Jesus' dying love;
We would adore his grace below,
  And sing his power above.

Dear Lord! accept the praise
  Of these our humble songs;
Till tunes of nobler sound we raise,
  With our immortal tongues.

The session of Congress was about to close upon the administration of Mr. Van Buren. The inauguration af Gen. Harrison was soon to take place. Mr. Cookman had all his arrangements made to visit England on the steamer President. The first dispatch from the new administration was to be confided to his charge. The next Sabbath he was to take leave of the Members of Congress in his farewell sermon. The day came. An hour before the usual time the crowd was seen filling the pavements of the Avenue, and pressing up the hill to Representative Hall, which was soon filled to overflowing, and hundreds unable to get seats went away disappointed. I obtained a seat early in front of the clerk's desk. John Quincy Adams sat in the Speaker's chair, facing Mr. Cookman. The whole space on the rostrum and steps was filled with Senators and Representatives. The moment had come. Mr. Cookman, evidently much affected, kneeled in a thrilling prayer, and rose with his eyes blinded with tears. His voice faltered with suppressed emotions, as he gave out the hymn—

When marshalled on the nightly plain,
  The glittering host bestud the sky;
One star alone, of all the train,
  Can fix the sinner's wandering eye.

Hark! hark!—to God the chorus breaks,
From every host, from every gem;
But one alone the Savior speaks,—
It is the Star of Bethlehem.

Once on the raging seas I rode,
The storm was loud, the night was dark,—
The ocean yawned—and rudely blowed
The wind that tossed my foundering bark.

Deep horror then my vitals froze,
Death-struck, I ceased the tide to stem;—
When suddenly a star arose,—
It was the star of Bethlehem.

It was my guide, my light, my all;
It bade my dark forebodings cease;
And through the storm, and danger's thrall,
It led me to the port of peace.

Now safely moored—my perils o'er,
I'll sing, first in night's diadem,
For ever and for evermore,
The Star—the Star of Bethlehem!

The hymn was sung by Mr. Cookman alone. I can yet in imagination hear his voice, as it filled the large hall, and the last sounds, with their echoes, died away in the dome.

"And I saw a great white throne, and him that sat on it, from whose face the earth and the heaven fled away; and there was no place for them.

"And I saw the dead, small and great, stand before God, and the books were opened: and another book was opened, which is *the book* of life, and the dead were judged out of those things which were written in the books, according to their works."

Mr. Cookman was more affected when he gave us the text, than I had ever seen him before. He several times passed his handkerchief over his eyes before he began. The first sentences are fresh in my recollection. "When Massillon, one of the greatest divines that France ever knew, was called to preach the funeral sermon of the departed Monarch in the Cathedral at Paris, before the reigning King, the royal family, the chambers, and the grandees of France, he took with him to the sacred desk a little golden urn, containing a lock of hair of the late King. The immense congregation was seated, and the silence of death reigned. Massillon arose, holding the little urn in his fingers, his hand resting upon the sacred cushion. All eyes were intently fixed upon him. Moments, minutes passed; Massillon stood motionless, pale as a statue; the feeling became intense; many believed he was struck dumb before the august assembly; many sighed and

groaned aloud; many eyes were suffused with tears, when the hand of Massillon was seen slowly raising the little golden urn, his eyes fixed upon the King, as the hand was returned to the sacred cushion the loud and solemn voice of Massillon was heard in every part of the Cathedral, '*God alone is great!*' So I say to you, to-day, my beloved hearers, there is no human greatness, '*God alone is great.*'" The subject was the Day of Judgment. I had heard it preached before many times, but never as I heard it then. The immense congregation was held almost breathless with the most beautiful, sublime and powerful sermon I ever heard. He spoke of the final separation in the great day of judgment, and fancied the angel of the Lord locking the door that opened to the bottomless pit, stepping upon the ramparts, letting fall the key into the abyss below, and dropping the last tear over fallen and condemned man. He closed, "I go to the land of my birth, to press once more to my heart my aged mother and drop a tear on the grave of my sainted father. Farewell, farewell." And he sank overpowered to his seat, while the whole congregation responded with sympathizing tears.

General Harrison had been inaugurated. The dispatches for the British Government were signed by Mr. Webster and delivered to Mr. Cookman. He took leave of his friends at Washington, and left for New York. As we parted his last words were, "May heaven bless you, Mr. Smith: if ever I return you shall see me in the West."

A few days afterward there was seen passing Governor's Island the splendid new steamer "President," on her outward trip to Liverpool, with Mr. Cookman, Tyrone Powers, and a long list of other distinguished passengers on board. The flying steamer had left the lighthouse far behind and moved gallantly on toward the open Atlantic, with prospects of as speedy and safe a voyage as any vessel that ever crossed the Ocean. Night was coming on. The clouds in the heavens portended a storm. The winds blew and howled a dreadful hurricane. The ill-fated vessel was seen late in the evening, struggling with fate—now lying in the trough of the sea, now on the top of the mountain wave, now upon her side, and again plunging, as it were, into the abyss below.

"The storm was loud, the night was dark,
The Ocean yawned, and rudely blowed
The wind that tossed my foundering bark."

Morning came. The sun rose on an open sea.—The "President," with all on board, had gone down, and was never heard of more.—Thus perished, ere he had reached the meridian of life, one of the eminent divines of our country.

[Wednesday Morning, August 26, 1857.

CITIZENS' MEETING AT MASONIC HALL.

On Monday evening Masonic Hall was filled with our enterprising prominent citizens to hear the address of the Hon. O. H. Smith, of which public notice had been given. James Blake, Esq., was called to the chair. Mr. Smith being loudly called for, came forward and took the stand. He said that he had been very unwell through the day, and under other circumstances would not attempt to speak; but his friends had come out to hear him, and he could not think of disappointing them. Mr. S. addressed the large audience near two hours. At first his voice was weak, but rose with the subject, as he progressed, until he filled the large hall distinctly. We do not propose to do more than give to our readers, very briefly, the ideas embodied in the speech, as we took no notes at the time.

He spoke of the State of Indiana; compared her condition now with what it was when he came to the State, in 1817, when she had a population of 65,000 souls; when the most of her territory was a wilderness; when her population was scattered sparsely over only a portion of the State; when the seat of government was located a hundred miles south; when there was not a mile of turnpike, railroad, or canal in the State; when the Indian paths were the only traveled road by the single horse and his rider; when there was no commerce in the State beyond the small retailer; when Cincinnati was the emporium of trade for all Eastern and Central Indiana, and the people of our State, and their trade and products were tributary to the growth, wealth and prosperity of cities beyond the State. He spoke of the quality of the soil, the mineral wealth, the pure water, the healthy climate of the State. He said that the population of the State was already fully one million and a half, and would reach ten millions. That the State was yet to be one of the most densely populated of any portion of the world, that its productiveness is inexhaustible, and where the food is there will be the mouths to eat it. He compared it with Asia Minor, Palestine and Africa, and showed why it was that those countries were so sparsely populated. It was because of the sterility and barrenness of the soil, and not the unhealthiness of the climate. He contrasted Indiana now, with what she is destined to be, if the people are true to themselves. He spoke of the location of Indianapolis, in the geographical center of the State, to be for all time the seat of Government. He had seen the site of the city when it was an unbroken forest. He contrasted the village as it sprung up in the

woods with the city now containing twenty-five thousand inhabitants, the spires of its twenty-seven churches pointing to the clouds, its wide streets, its public and private edifices, its colleges and seminaries of learning, its high and graded schools, its common ward-schools. He said if he had never done any thing else worth remembering, he should ever feel happy for being instrumental in establishing our ward-school system in the City Charter, that he viewed it as the great preservative feature in our social system, as the basis of our educational policy, that would prove a lasting blessing to the rising generation. He said much had been done in our educational and religious departments of society, and in that respect we were appreciated at home and abroad. Thousands would make Indianapolis their home now, who would not do so but for the advantages of educating their children at one of our fine male and female schools, and of attending the churches of their choice.

He spoke much and at length upon the great advantages of Indianapolis, in point of location, as a commercial and manufacturing city. The time was when she was inland, with no prospect of rivaling the cities located on navigable waters, but that time had gone by. Propelling power of steam on land, had revolutionized the channels of Commerce, and our capital now stood at the very center of her attractions, as the hub of the wheel, with the railroad spokes pointing to the circle, including the whole field of Western production, consumption, and demand. He urged upon the citizens to feel rather thankful, than proud, of their position; that while ours was the capital of the State, every citizen of the State was interested in her prosperity, that every other city, town, and village of the State daily contributes to the growth and prosperity of our city, and their citizens should be held, as even ourselves when among us, nor should any invidious comparisons be drawn between the growth and prosperity of the capital and any other city in the State. We are all interested in the welfare of each other. He said he had no doubt but that Indianapolis would yet be among the largest inland cities of the United States, commanding an immense inland commerce; that she is surrounded by one of the best countries on the globe, with rich mineral, coal, rock, iron, fire-clay, timber and hydraulic power inexhaustible. He pointed to the great facilities to make Indianapolis one of the first manufacturing cities of the United States. The concentration of railroads, and consequent radiation through the Valley of the Mississippi, must give a demand equal to any supply. He spoke of Indianapolis being one of the best points in the United States for the first-class wholesale jobbing-houses. One or two such

houses might do a fair business, but fifty would do a hundred times as much. The whole country penetrated by our flying trains must learn that they are throwing away both time and money, by passing our wholesale dealers to visit Eastern cities; and that time will never come until the supply here is equal to a fair demand, and the prices shall be as low as Eastern prices, with the cost of transportation from the Atlantic cities. He alluded to the importance of sustaining our city mechanics and manufacturers; spoke strongly against the practice of moneyed men refusing accommodations to struggling mechanics and manufacturers, upon good and safe security, urged the necessity of concentrated energy, and good feeling, to the common purposes of aiding in the course essential to the prosperity of the city. He spoke highly of the Board of Trade, and the course of its President and leading members, and trusted that they would be sustained in their laudable object of making Indianapolis known to the country, with the advantages of her position. He appealed to the business men of the city to establish themselves at once upon principles of the strictest integrity and faith with their customers. Let the price to the child be the price to the adult; have but one price for the article to all. Reputation to the dealer is as valuable as to the divine. Let it once be understood that Indianapolis dealers are honest in every particular and they will draw to them the surrounding country. The reputation of the Philadelphia merchants, for fair dealing, has thrown upon them millions of dollars that would otherwise never have reached that city. He noticed the article that appeared in the *Sentinel* in the morning; said the author left his tracks behind; he was an old fogy that never voluntarily paid a dollar toward the prosperity of the city.

Mr. S. closed by urging all to unite with the Board of Trade in the good work in which they were engaged. He was frequently applauded by the audience during the address.

[Wednesday Morning, August 26, 1857.

EARLY CONDITION OF INDIANA.

While my mind is on Indiana, the reader will excuse me for deferring my sketches of the House of Representatives, the Senate, the Supreme Court and other matters at Washington, to a more convenient season. And, as these sketches seem to be looked upon as a part of the history of early Indiana, while I make no such pretensions, and refer the public to the authentic history of the State by my valued friend John B. Dillon, Esq., State historian, I may be excused for stating some matters that will be only interesting to the citizens of our State who would like to compare Indiana as she was, with Indiana as she is. I shall not even attempt the comparison, but leave the reader to make it for himself.

At the time I came to the State in March, 1817, there was not a railroad in the United States, nor a canal west of the Alleghany mountains. The telegraph had not been discovered, fire was struck by the flint and steel, the falling spark was caught in "punk" taken from the knots of the hickory tree.—There was not a foot of turnpike road in the State, and plank roads had never been heard of; the girdled standing trees covering the cultivated fields, the shovel-plow the only cultivator, no roads west of Whitewater, not a bridge in the State; the traveling all done on horseback, the husband mounted before on the saddle, with from one to three of the youngest children in his arms—the wife, with a spread cover reaching to the tail of the horse, seated behind, with the balance of the children unable to walk in her lap. We young gentlemen retained the luxury of a single horse; not a carriage nor buggy in all the country. After some years Mr. Lovejoy brought a buggy without a top, to Connersville, from New England. I borrowed it to ride to Wayne county, but I gave up the buggy and took my horse, for fear the people would think me proud, and it would injure my election to Congress.

The finest farms around Connersville, in one of the most beautiful countries in the world, cleared, with orchards and common buildings, were $5 to $10 per acre. I bought the fine farm of one hundred and sixty acres, adjoining Connersville, the same now the residence of my friend Hon. Samuel W. Parker, of John Adair, of Brookville, for $9 per acre, in three annual installments without interest. The brick two-story dwelling in which I lived when I was elected to Congress, in the heart of Connersville, twenty-six feet front, well finished, with back kitchen, lot 26 by 180, good stable, I bought of Sydnor Dale for $325, —which was considered a high price at the time. The excellent farm

over the river one mile below town, in 1828, I bought of William Denman for $5 per acre, in payments. There was very little money in the country, and produce was equally low in proportion. I bought the finest qualities of stall-fed beef, and corn-fed hogs, for family use, at a cent and a half per pound; corn ten cents, wheat twenty-five cents per bushel, wood delivered and cut short at the door at a dollar per cord; boarding at common houses, with lodging, from a dollar to two dollars a week, and at the very best hotels two dollars and a half. The first year I traveled the circuit, my fees fell short of two hundred dollars; and the second, when they increased to three hundred, I felt as safe as a Stephen Girard. All my wants were supplied, I owed nothing, and had money in my pocket.—No white man had settled more than five miles west of Connersville at that time.

A BRAVE INDIAN.

The country from Williams Creek, in Fayette, to the Wabash, one hundred and twenty-five miles, was a wilderness, in the possession of the wandering tribes of Indians. Connersville was filled with them every day. Among them was a warrior they called John, a great talker, telling the most miraculous stories of what he had done—in killing bears single-handed and without arms. I informed another Indian what John had told me. "My brother John pretty much lie—he great coward."

It so happened that John's courage was tested that night, just at twilight. The town was aroused by the cry of "bear," and sure enough along Main street came loping on one of the largest black bears I have ever seen, pursued by a crowd of men and dogs. He had been started out of the wet, bushy prairie north of town. He came to Cross street, turned square off to the east in the direction of the river, where several of us were standing, with Indian John close by. The moment John saw him he came running to our company, greatly alarmed, crying at the top of his voice—"Bear bite hard—kill Indian quick," and slid into our center. On came the bear.—Just before he reached us one of our company, who had a rifle, shot him in the head. He rolled over, stretched himself out with a growl and died. His hide was soon off, and next morning at breakfast the whole town was feasting on bear meat.

THE LAWYERS OF EARLY INDIANA.

Our lawyers were what the world calls self-made men—meaning men who have not had the advantages of rich fathers, and early education,

to whom the higher seminaries and colleges were sealed books. Men gifted by nature with strong, vigorous, clear intellects, fine health, and sound constitutions. Men who, like the newly-hatched swan, were directed by nature to their proper elements, their proper profession. Few of them failed of success. Necessity urged to action. With most of them it was "root or die." In ninety-nine cases out of every hundred of the failures in the different professions and avocations in life, charged by the world to "bad luck," it is nothing more nor less than the selection of a profession, avocation or business that nature never intended you for. The smallest teal, or duck, that swims on the bosom of the Chesapeake Bay, would sink and drown in that element the best-blooded and finest game-cock that ever old Virginia produced in her most chivalric days; while in the cockpit the teal, or duck, would be nowhere in the fight. Our counties furnished too little business for the resident attorneys; we all looked to a circuit practice. Some rode the whole circuit, and others over but few counties.

We sometimes had a little sparring in our cases in trials, but it ended there, and we stood banded together like brothers. At the Rush Circuit Court my friend Judge Perry bargained for a pony for twenty-five dollars, to be delivered the next day, on a credit of six months. The man came with the pony, but required security of the Judge for the twenty-five dollars. The Judge drew the note at the top of a sheet of foolscap, and signed it. I signed it; James Rariden signed it and passed it on, and on it went from lawyer to lawyer around the bar, till some twenty of us had signed it. I then handed it up to the Court, and the three judges put their names to it. Judge Perry presented it to the man he had bought the pony of, but he promptly refused to receive it. "Do you think I am a fool, to let you get the Court and all the lawyers on your side? I see you intend to cheat me out of my pony." Up he jumped and ran out of the court-house, mounted the pony and started for home at full gallop.

The great variety of trials and incidents on the circuit gave to the life of a traveling attorney an interest that we all relished exceedingly. There was none of the green-bag city monotony, no dyspepsia, no gout, no ennui, rheumatism or neuralgia: consumption was a stranger among us. An occasional jump of the toothache, relieved by the turnkey of the first doctor we came to, was the worst. All was fun, good humor, fine jokes well received, good appetites and sound sleeping, cheerful landlords and good-natured landladies at the head of the table. We rode first-class horses; Gen. Noble on "Wrangler," for which he gave $60; Drew on "Drew Gray," cost $70; Caswell on "Blue Dick," cost $65; Rariden on "Old Gray," cost $80; John

Test on "Bay Filly," cost $50; Gen. McKinney on "McKinney Roan," cost $45; David Wallace on "Ball," cost $40; Amos Lane on "Big Sorrel," cost $60; Judge Eggleston on "Indian Pony," cost $35; George H. Dunn on "Dancing Rabbit," cost $40; James B. Ray on "Red Jacket," cost $60; Martin M. Ray on "John," cost $35; William R. Morris on "Jacob," cost $50; Charles H. Test on "Archie," cost $40; John S. Newman on "Clay Bank," cost $60, and I rode "Grey Fox," that cost me $90. These were the highest prices at that day for the very best traveling horses in the country. They were trained to the cross-pole mud roads, and to swimming.

Our attorneys were ready, off-hand practitioners, seldom at fault for the occasion. Sometimes we had to meet attorneys from other States, who would fling in the Latin and technical terms with a triumphant air, but in most cases they were foiled by the quick retorts of our bar.

DOG AND DAMAGES.

On one occasion an action on the case had been brought by a learned attorney from Ohio, by the name of Crouch, against an old widow lady —damages claimed twenty dollars. It appeared in evidence that the old lady had a beautiful daughter that the defendant was paying his suit to. One dark night the plaintiff put on his new white Irish-linen suit, fine ruffled shirt, with silk gloves, white stockings and morocco shoes; cane in hand he stepped up to the house of the old lady and rapped at the door. At that moment a large St. Bernard dog belonging to the old lady sprang around the corner of the house and jumped at the lover with a growl. The young man, frightened almost out of his moroccos, left the door in an instant and ran into a large mud-hole a few rods off, of the existence of which he had no knowledge, and fell prostrate, covering himself all over with dirty water, and leaving the shape of his body in the mud.

The question before the advocates was as to the liability of the old lady for the damages done to the dandy's clothes. The learned Ohio lawyer opened for the plaintiff, and contended that the case came strictly with the principles of "Qui facit per alium, facit per se." Mr. Caswell, for the old lady, denied the position, and urged upon the Court that the case was governed by the principles of "Damnum absque injuria." The Court held the case over till morning. Judge Harlan.—"The Court is of the opinion that this is not a case of 'Qui facit per alium,' but comes within the principles of 'Damnum absque injuria,' which, if the Court understands herself, is a *damnable injury;* but as the old lady was in no way to blame, the judgment is given for the defendant."

[Thursday Morning, September 3, 1857.

A POLITICAL LIBEL SUIT--WHAT IT COSTS TO CALL A MAN A "FEDERALIST."

In early times there was tried in the Franklin Circuit Court an action for libel, of some importance to the reading politicians of the country, and especially to those who have some recollection of the great political contest between John Adams and Thomas Jefferson for President. I call the parties to the suit, Joshua Harlan, plaintiff, and John Allen, defendant. Judge Sparks was at the time President Judge, but was not on the bench until after the verdict was returned. The case was tried before the Associates. General James Noble was counsel for the plaintiffs, and John Test for the defendant. The declaration set out the libel at length. The only part necessary to notice here read, "'Joshua Harlan is an old federalist,' by the publishing of which false, scandalous and defamatory libel, the plaintiff has been brought into public disgrace, and his neighbors have since refused to have any intercourse with him." The counsel for the defendant filed a general demurrer to the declaration, insisting that the paper was not a libel, if proved; that it was not actionable to call a man a "Federalist." The Court stopped Gen. Noble, and held that they would submit the whole matter to the jury, who were the judges of the law as well as of the fact. Demurrer overruled; plea of "not guilty" filed, and a jury impanneled with great difficulty, after exhausting the regular panel, and setting aside some scores of talesmen for cause, upon their answer to the question dictated from the bench, "Have you formed or expressed any opinion whether it is slander to call a man a Federalist!" The jury were sworn and put in charge of a sworn officer, with instructions by the Court to suffer no one to speak to them, nor even to talk among themselves until they had heard the evidence and charge of the Court, as the case was one of great importance. Court met in the morning; motions dispensed with; the court-house crowded with a deeply excited audience; looks of compassion directed to the plaintiff, who sat by the side of Gen. Noble, his counsel, and of indignation and contempt for the defendant, who was seated by his counsel on the opposite side of the table. It was evident that the audience were all on one side, and as jurors generally sympathize with the outsiders in feelings, the result was easily anticipated. But under the rulings of the associates the case had to be proved to the satisfaction of the jury. General Noble.—"The plaintiff's witnesses will stand up and be sworn." Some thirty rose from a long bench, looking very much like the men that

composed Falstaff's company. Witnesses sworn. "We will examine Mr. Herndon first." Herndon a man about seventy years of age, raised in the woods of Kentucky, who came to the Territory of Indiana before the army under Gen. George Roger Clark marched upon Post Vincent, took the witness-stand. Gen Noble.—"Mr. Herndon, do you consider it libelous and slanderous to call a man a Federalist?" "I do." "Which would you rather a man would call you, a 'Federalist' or a 'horse-thief?'" "I would shoot him if he called me one or the other," turning his eyes with much feeling on the defendant. "You have not answered the question." "I would rather be called any thing under the heavens than a Federalist." "What damages would you say the defendant should pay for this libel in calling the plaintiff a Federalist?" "I would say a thousand dollars, at least." "Take the witness." Judge Test.—"Mr. Herndon what do you understand by a Federalist?" "My understanding is that it means a tory, an enemy to his country." "Is that the common acceptation of the term?" "Yes, I have never heard any other from the first settlements in Kentucky up to the present time." No more questions. General Noble.—"A single rebutting question; Mr. Herndon, would you feel safe, with a Federalist by your side, to meet the Indians in a bush fight?" "I would not; I would just as soon have one of the hostile Indians with his rifle and tomahawk by my side." A moment's private whispering between the counsel. General Noble.—"May it please the Court, we have sitting there twenty-nine other witnesses that we are ready to examine; but to save time, it is agreed by the counsel, that they will each swear to the same facts as those stated by Mr. Herndon, and that the publication of the libel is admitted." No evidence was offered for defendant. Lengthy and able speeches were made by the counsel on both sides, covering in their range the history of the General Government from its organization, with Gen. Washington at its head; the election of Mr. Jefferson over the elder Adams; the close and exciting contest between Jefferson and Aaron Burr; the articles of confederation; the adoption of the new Constitution; the Cunningham correspondence; the visit of the citizen Genet to the United States; the alien, sedition and gag laws; the impeachment of Judge Chase; and the examination of Aaron Burr for treason, before Justice Marshall. The speeches closed near midnight. The jury retired. Next morning the charge was to be given. An hour before the time for opening the court the room was filled to a perfect jam. Sheriff.—"Silence in the court!" The jurors called and in the box. The Presiding Associate.—"Gentlemen of the jury, this is an important case. You are the judges of the law and the fact. This Court do not feel authorized

to invade the province of the jury; the whole case is with you." The jury retired to their room, and in a few minutes returned into court. Foreman.—"We find that to charge a man with being a *Federalist* is libelous, and we assess the damages of the plaintiff at one thousand dollars, the amount sworn to by Mr. Herndon, and would have been by the other twenty-nine witnesses that were not examined, as was admitted by the counsel." "The Court are well satisfied with your verdict, gentlemen; you are discharged to get your dinners, as you have not yet breakfasted."

BRITISH AUTHORITIES IN INDIANA COURTS.

I SKETCH another case of high importance in the same court—names of parties immaterial. A lawyer I call John Mattocks, Jr., one of the most learned men in early Indiana, a graduate of old Yale, with Latin, Greek, Hebrew and divers technical terms at his tongue's end, a partial acquaintance with the legal learning of the old English authors at ready command, for plaintiff, and General Noble for the defendant. The action was what lawyers call "trespass quare clausum fregit;" pleas "not guilty," and "liberum tenementum." The action was brought by the plaintiff against the defendant for entering the close of the plaintiff, cutting down a bee-tree, and carrying away the swarm of bees; damages, five dollars for the tree, and three dollars for the bees. The plaintiff was the owner of the land. The defendant was in possession under a lease that had expired, but no notice to quit had been given. The case submitted to the associate judges. The evidence was heard, and next morning the argument commenced between the learned Eastern lawyer, armed with his Latin, Greek, Hebrew, and classical knowledge, topped off with an ornamented diploma with large red ribbons and a seal as large as the palm of the hand, and Gen. Noble, who had been raised in the backwoods, educated in the winter-time and at nights, in a little fifteen-by-twenty log school-house in Kentucky, armed with a large amount of common sense. Mr. Mattocks had before him an array of the old books, Coke on Lyttleton, Blackstone's Commentaries, Jacob's Law Dictionary, Wood's Institutes, Bacon's Abridgment, Strange's Wilson's and Atkyn's Reports. Thus prepared he commenced the argument for the plaintiff with a confident air. Gen. Noble sat silent while his opponent read authority after authority, case after case, and decision after decision, many of them directly in point against the General. His argument consumed the day, greatly annoying the Court, who understood very little of it. The next morning Gen. Noble opened

for the defendant in one of the most conclusive speeches ever delivered in that court-house. He said, "If the Court please, I shall not attempt to follow the learned gentleman, in his long speech, nor even to read and comment on his authorities; they may all be well enough in the right place, in their proper jurisdiction; but they have no bearing whatever in this Court, in this jurisdiction. I hold in my hand a book from which I will read a few extracts." The Court.—"What book is that, General Noble?" "It is the Declaration of Independence." "Yes, that is coming to the point; read it, General." The General read,—"When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station, to which the laws of nature and nature's God entitle them"—"We, therefore, the representatives of the United States of America in Congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do in the name, and by the authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies, are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." The General ceased reading. The Court.—"That is conclusive. These British authorities were all cut off on the 4th day of July, 1776. Judgment for the defendant."

[Saturday Morning, September 5, 1857.

REV. JOHN P. DURBIN.

In the woods of early Indiana, there were assembled for worship at a small log school-house one Sabbath morning, several of the neighbors from the settlements around. It was getting late and there was no preacher yet. But in a few minutes there was seen riding up on his pony, singing a Methodist hymn, a young preacher, a mere youth, small of stature, young in appearance, spare in person, light hair, blue eyes, high forehead, kind and benevolent in countenance, wearing a short frock-coat. It was John P. Durbin, commencing his journey on his circuit. He preached, his zeal was great, his voice strong for his appearance, but he seemed to forget that it required care and training to preserve it in its volume and tone.

Time rolled on and when still a young man, Mr. Durbin found himself involuntarily upon the superannuated list, his voice had given way, while his mind was growing into the stature of a man. For years he abstained from all ministerial labors, much against his will, without any improvement of his voice. Under the advice of an elder who encountered similar difficulties, Mr. Durbin commenced preaching again, in his common conversational tone of voice. At first the congregations were hardly satisfied; but the more they heard him, the better they liked him, until there were few who drew larger congregations, or held them with deeper feelings. Time rolled on.

We heard of Dr. Durbin at Augusta College, Kentucky, and afterward as President of Dickinson College, Carlisle, Pennsylvania. He was about to sail on his tour to Europe and Asia, when I saw a notice in a Washington city paper that he would preach his farewell sermon in Wesley Chapel. Early in the evening I entered. The house was so crowded that my seat was near the door. After a short and feeling prayer, the hymn was read in a solemn tone:

Plunged in a gulf of dark despair
  We wretched sinners lay,
Without one cheerful beam of hope,
  Or spark of glimmering day.

With pitying eyes the prince of grace
  Beheld our helpless grief;
He saw, and—Oh! amazing love!—
  He ran to our relief.

Down from the shining seats above,
  With joyful haste he fled,
Entered the grave in mortal flesh,
  And dwelt among the dead.

Oh! for this love let rocks and hills
Their lasting silence break;
And all harmonious human tongues
The Savior's praises speak.

Angels! assist our mighty joys;
Strike all your harps of gold;
But when you raise your highest notes,
His love can ne'er be told.

The hymn was sung, the whole congregation rising, and the text announced. For the first half hour the preacher was very commonplace. His small figure, weak voice, and diffident manner, were any thing but prepossessing. By degrees he rose with his subject and became towering, sublime and powerful, above all my anticipations. His subject was INFIDELITY. He was surrounded by a large number of the preachers of the Baltimore Conference. His discourse seemed to be directed to the preachers. I was not prepared for his questions and answers. "Brethren, we preach that men are *infidels* because they make no profession of religion. Is this so? I think not. I doubt whether there ever was an infidel who had lived in a Christian land under a preached gospel. I illustrate. Take a boat with ten passengers, five of them professors of religion, standing at the head of their churches, and five what the world calls infidels: blind-fold, turn them out into the suck of the falls of Niagara, take of the blinds and let them see the cataract before them, and know that in a few minutes they must inevitably be dashed into the foaming waters below, that there is no earthly hand that can save, and do you not believe that the supposed infidels will be among the first on their knees imploring mercy? He is not dead but sleepeth, and it is the duty of the preacher to arouse him from his slumber, to show him that his little boat is tending rapidly to the cataract, and unless he awakes and pleads for mercy ere it is too late, he must be lost forever."

Time still rolled on, and in the early part of May, 1856, I was sitting in my parlor at Indianapolis, when there entered with a light step and pleasant smiling countenance, a small, graceful man, and introduced himself as the Rev. John P. Durbin, come to stay with me during the General Conference. He had greatly changed since last I saw him, still I should have recognized him by his eyes and mouth. He was a most welcome guest. I no longer looked upon him as a mere Methodist preacher. As such, indeed he would have been welcome at my house, but since I had seen him he had traveled over Egypt, Palestine, Syria and Asia Minor; had visited Naples, Cairo, Memphis, the Pyramids, the Red Sea, the Arabian Deserts, Mount Sinai, Petra, Hebron, the Holy Land, Bethany, Mount Zion, the

Valley of Jehoshaphat, the Mountains of Lebanon, Horeb, Bethlehem, Nazareth, Gethsemane, the Tombs of the Pharaohs, the Pools of Solomon, the Church of the Holy Sepulchre, Jerusalem, Mount Tabor, Damascus, Balbec, Smyrna, Ephesus, Laodicea, Sardis, Thyatira, and Constantinople; had rode the milk white Arabian steed on the banks of the Jordan and the Dead Sea, and given to the world his observations on Europe and the East—such was Dr. Durbin as he then stood before me. During the month he was with me, we often passed over to Palestine. His fine conversational powers, the clearness of his mind, the ample store of his knowledge, made our intercourse of a character not to be forgotten.

The Sabbath was approaching, and it was announced that Dr. Durbin would preach at Robert's Chapel. I went with him to church. I had not heard him since his Washington sermon. The house was crowded. The Doctor kneeled in prayer; it was short, and thrillingly sublime and affecting. The hymn was given out and sung by the congregation, when the Doctor rose, and in a low tone of voice commenced his sermon. His subject was, "The Christian sacrifice without the gates of Jerusalem, and the Jewish sacrifice within the temple." I had frequently heard these subjects preached upon, but I confess that the Doctor placed them in a new light before my mind. He spoke of the time that these great events transpired; showed from Scripture and calculations that the crucifixion of Christ, without the gates, which was the Christian sacrifice, took place at the same time that the Jewish sacrifice in the temple was made, and at the moment that Christ cried, "It is finished," and expired on the cross, the veil of the temple was rent asunder, the priesthood on earth was ended, and the great high-priest was translated to heaven. He spoke of the body of Christ, and answered his own question, "What was its nature?" "I answer, he was of the nature of his parents, human and divine; his mother was Mary, and his father was God." As the sermon progressed the Doctor grew in power, and closed as he had done at Washington, the last half-hour in much higher strains of pulpit eloquence than his beginning seemed to indicate. Take this sermon all in all, there have been few such preached in our city, for sublimity, beauty and power. Church over, we returned home. I remarked to the Doctor that I thought he was too systematic for an ordinary Methodist sermon. His reply was that it was his custom to preach from short notes, that he believed in system order and preparation, as well as fervent zeal, that from his notes he could repreach any sermon he had delivered since his return from his Eastern tour.

REV. JAMES FLOY.

THE companion of Dr. Durbin at the General Conference, was the Rev. James Floy, of the city of New York, another distinguished divine, who when but a youth was selected as the pupil from the United States, of the royal gardens of London; remaining years abroad, and became one of the first horticulturists, botanists and florists of our country, as he is now one of the first preachers in the Methodist connection. Dr. Floy preached but one sermon during his stay in our city. It was at night, at Wesley Chapel. His opening prayer was very short; the congregation sang the beautiful hymn,

Children of the heavenly king,
As ye journey sweetly sing;
Sing our Savior's worthy praise,
Glorious in his works and ways.

Ye are traveling home to God,
In the way the fathers trod;
They are happy now, and ye
Soon their happiness shall see.

Shout, ye little flock! and blest
You on Jesus' throne shall rest;
There, your seat is now prepared,—
There, your kingdom and reward.

Fear not, brethren! joyful stand
On the borders of your land;
Jesus Christ, your Father's Son,
Bids you undismayed go on.

Lord! submissive make us go,
Gladly leaving all below;
Only thou our leader be,
And we still will follow thee.

The text—"And Peter answered him, and said, Lord if it be thou, bid me come unto thee, on the waters. And he said come. And when Peter was come down out of the ship, he walked on the water to go to Jesus."

From the text the sermon embraced the power of God, and the power and duty of man to obey the divine injunction; that when God commands, he gives power to obey. "He said to Peter, 'come,' and he walked upon the water. He said to the sick of the palsy, 'Arise, take up thy bed and go unto thine house,' and he arose. He said unto the sea, 'Peace, be still,' the winds ceased, and there was a great calm. He said to the devils 'go,' and they went into the herd of swine. He said, 'daughter be of good comfort,' and the woman was

made whole from that hour. He touched the eyes of the blind, and their eyes were opened. He said to the man with the withered hand, 'Stretch forth thine hand,' and he stretched it forth, and it was restored like the other. He said to the brother of Martha and Mary, 'Lazarus come forth,' and the dead arose. There is no excuse for neglect of duty. God requires of man only what he gives him ability to perform, and if he is lost, God is not in fault—the consequences are with disobedient man."

The General Conference adjourned, and these eminent divines returned to the field of their labors in Philadelphia and New York.

[Monday Morning, September 7, 1857.

EARLY INDIANA LAWYERS.

Among the prominent young men of the early Whitewater bar was Judge Charles H. Test, a son of the Hon. John Test. He was a young man of fine talents and great energy of character. At quite an early age he took a high position among the ablest of the profession. In person he was slender, about the medium hight, a small head, high forehead, and teeth projecting. He was not a very handsome man, and still his countenance lit up so well when speaking that he passed without particular observation. One instance, however, that looked like an exception to this remark I remember. James T. Brown had drawn an indictment against a man for gambling, but had forgotten to charge a wagering for money or other valuable articles. Judge Test moved to quash the indictment on the ground that it was "bad on its face." Brown seeing the point, and knowing that he was gone, rising with his peculiar waggish look—"Mr. Test, if every thing is quashed that is *bad on its face*, what would become of *you*?" The forte of the young Judge was before the jury upon facts. He made a strong argument, and his sympathetic appeals were unsurpassed. His habits were strictly temperate. He held the offices of President Judge of the Circuit and Secretary of State many years, and then returned to the practice in the county of Wayne where he now resides, in fine health, in the meridian of life.

A LAWYER FINED.

I have several times introduced to the reader James T. Brown, of Greensburg. He was of the youngest class of lawyers when I first knew him. By nature he was a man of fine powers, and yet a great wag. I could fill an article with interesting incidents in which he was a party. Let one suffice to show the character of his mind. On one occasion he was employed to defend a case before the Circuit Court. The judge was not very learned in technicalities, knew but little Latin and much less Greek. The jury were taken from the country, ordinary farmers. The plaintiff's counsel had opened. Brown rose and spoke two hours in the highest possible style, soaring aloft, repeating Latin and translating Greek, using all the technical terms he could bring to the end of his tongue. The jury sat with their mouths open. The judge looked on with amazement, and the lawyers laughed aloud. Brown closed; the case was submitted to the jury without one word of reply. Verdict in the box against Brown. Motion for a new

trial. In the morning Brown rose and bowed to the Court, "May it please your honors, I humbly rise this morning to move for a new trial; not on my own account; I richly deserve the verdict; but on behalf of my client, who is an innocent party in this matter. On yesterday I gave wings to my imagination and rose above the stars in a blaze of glory. I saw at the time that it was all Greek and turkey-tracks to your honor and the jury. This morning I feel humble, and I promise the Court if they will grant me a new trial, I will bring myself down to the comprehension of the Court and jury." The judge.—"Motion overruled, and a fine of five dollars against Mr. Brown, for contempt of Court." "For what?" "For insinuating that this Court don't know Latin and Greek from turkey-tracks." "I shall not appeal from that decision, your honor has comprehended me this time."

NEW ASSIGNMENT.

THERE came to Connersville in early times, a learned lawyer I call Martin Hale, a fine scholar. He made high pretensions, wore a long queue, a nicely-plaited ruffled shirt, and over all, a tartan plaid cloak, the first I had ever seen. He was looked upon as altogether superior to us woods' lawyers, and foolishly remarked that "He had come to Connersville to settle because there was no talent there." I was at work in my garden in my shirt sleeves, when I saw him approaching. He inquired if Mr. Smith was about home. I told him that was my name. "It is the Counselor Smith I want to see." "I am the man." He turned on his heel and walked on without a word, and afterward told a gentleman at the hotel that I could not impose myself on him as a lawyer. Soon after he brought an action of trespass, *vi et armis*, for a most aggravated assault and battery. For the defendant, I filed a plea of "justification"—on the lot of my client using no more force than was necessary to remove the plaintiff from the premises. Mr. Hale took up the plea, looked remarkably wise,—"He thinks I have never read the doctrines of new assignments, but I will show him." He sat down and filed a "new assignment," that the assault and battery was committed in the highway, and not on the premises of the defendant. I answered "not guilty in the highway." The jury was sworn, the Court confined the proof to the highway, and consequently there was no evidence in the case, as the assault was really committed on the lot of the defendant. Verdict for defendant. Mr. Hale left us soon after, with the remark to the judge that he could not practice in a court that knew nothing

of the science of "new assignments," that he was a first-class lawyer where he came from, but it would take him too long to get acquainted with our practice. The judge was somewhat irritated, but I told him that friend Hale was like the Irishman that hired for a ferryman, and got on the wrong side of the oar. Employer.—"You told me that you were a good ferryman." Patrick.—"And so I was in Ireland, but I have not got acquainted with this country water yet."

STOPPING REPORTS.

While I was a student of law I had a valued fellow by the name of Merritt S. Craig, who settled and died young at Versailles, in Ripley county. Mr. Craig was a Kentuckian, of the family of Craigs of Boone county. In person large, with remarkably big protruding eyes, and one stiff knee. Mr. Craig was a noble specimen of the Kentucky character—open, frank, and hospitable. He was liberally dealt with by nature, but his opportunities were not sufficient to bring out his forensic powers. Like most young lawyers of his day he entered the field of politics too young. Was many sessions a member of the House of Representatives. He was a great electioneerer, and never was beaten. Just before an election his chances looked desperate. His defeat in the eyes of others was certain. All manners of reports had been circulated against him through the county. The last week had come, something must be done or all was over with him. Craig saw his time, stepped into a grocery, turned over the counter, broke all the bottles, took the faucet out of the whisky cask, and threw the little grocer out of the door, but paid him for his property. The news flew like wildfire over the country, all other stories were merged in the grocery matter. The act was decidedly popular, as drinking-houses were odious, and Mr. Craig was elected by a larger majority than he had ever before received, although he was not a Son of Temperance.

COL. JOHN DUMONT.

Let me not forget my valued friend Colonel John Dumont, of Vevay. I became acquainted with the Colonel in the Legislature of 1822–3, at Corydon. He was one of the most talented men of the body—always ready, but modest and retiring to a fault. In personal contests he had no equal in the House. On one occasion the question was, "whether we should elect a revisor of the laws, or revise them ourselves?" In the House, Mr. Dumont and myself,

with others, had opposed a Legislative revision, on the ground that we were not qualified to revise in session; that the work would be imperfectly done. Our views ultimately prevailed, and Judge Benjamin Parke was elected Revisor. During the debate Dr. Childs, of Washington county, in reply to my remarks, insisted that we were qualified to do the work ourselves. "Mr. Speaker, the wisdom of the State of Indiana is on this floor." Mr. Dumont.—"The gentlemen says the wisdom of Indiana is on this floor. I can hardly presume that the wisdom of my county is here, and I should be very sorry, Mr. Speaker, to think that the wisdom of Washington county is on this floor." Mr. Dumont was a good lawyer, and an honest man. He was a candidate for Governor against Col. David Wallace—ran on the branch of the internal improvement system known as "Classification," while Governor Wallace went for the construction simultaneously of the whole works. Col. Dumont was clearly right, but the majority went with Gov. Wallace. The Colonel was the husband of Mrs. Julia L. Dumont, a lady of high literary attainments, and the father of Col. Ebenezer Dumont, of the late Mexican War.

JOHN S. NEWMAN.

John S. Newman, of Wayne county, was another of my early valued friends. Mr. Newman was a fine practical lawyer, with a head as clear as a bell, a remarkably matured judgment at an early day in his profession. His strong, vigorous intellect made him a safe counselor and a valuable co-laborer in heavy cases. As a speaker, he was above mediocrity, but he never attempted that kind of impassioned eloquence that rises in some advocates to such hights as to carry the jury and outsiders with rapturous applause with the speaker. His talents are of the order called "useful," the most valuable in the end. Mr. Newman is now president of the Indiana Central Railway, in fine health.

[Wednesday Morning, September 9, 1857.

GEN. JACKSON AND HENRY CLAY.

Time has rolled on, since these great men filled the public mind, and they have both gone to their fathers. I knew them personally—was at one time an ardent personal and political friend and supporter of Mr. Clay. I am aware that I am treading on delicate ground, and that this sketch of these great leaders may be subjected to partisan criticism. It matters not. These sketches are my own, and not the opinions of others. Never were two men more alike than Gen. Jackson and Henry Clay; and yet in some particulars they differed widely. They were both poor boys, were self-made men; neither liberally educated; each the projector and accomplisher of his own fortune and fame. Both were pioneers of the valley of the Mississippi. They were possessed of iron wills, born for leaders. Neither would ever play second to any other man; both would be chiefs or nothing. Neither could brook opposition from friends or enemies. Each was the original of himself, requiring implicit obedience to his will: neither ever quailed before an enemy. Each was jealous of the fame of the other; both were ambitious, unquestionable patriots—true lovers of their country, ready at all times to peril their lives for its honor and glory. Each was the leader of a great party. The fame of each filled the civilized world. In person they were alike, tall, spare, commanding, long necks, heads erect, complexion light, eyes gray and sunken, faces long, foreheads high, features prominent and projecting, mouths wide, arms and fingers long and slender, step easy and graceful, private associations kind and courteous—both the admired, honored and respected of their friends. Each graced his social parties to the admiration of strangers as well as friends. Both, like Napoleon the First, absolute in the execution of their purposes. Gen. Jackson was one of the greatest military commanders of the age, upon the scale of the field of his battles. He needed no Secretary of War to instruct him how to marshal his army or when to strike the blow upon the enemy. He combined the military qualifications of Wellington, with the bravery of Charles the XII., and the judgment of Washington, without their opportunities of bringing his high qualities, as a commander, into action on extended fields. The battle of New Orleans, when viewed through the glass of time, with no political prejudices to obscure the vision, was one of the most brilliant military achievments recorded on the pages of history. Henry Clay, too, like Gen. Jackson, was possessed of military talents of a high order, although they were not brought into action on the tented field. This was well known

to those who knew him best. In 1812, Gen. Harrison, then in command of the Northwestern army, wrote to Mr. Clay, from Cincinnati: "I inform you that, in my opinion, your presence on the frontier of this State would be productive of great advantages. I can assure you that your advice and assistance in determining the course of operations for the army, to the command of which I have been designated by your recommendation, will be highly useful. You are not only pledged in some manner for my conduct, but for the success of the war—for God's sake then, come on to Piqua as quickly as possible, and let us endeavor to throw off, from the Administration, that weight of reproach which the late disasters will heap upon it," alluding to Hull's surrender at Detroit. I had it from high authority, that Mr. Madison in 1812, contemplated placing Mr. Clay at the head of the army, but was overruled by his Cabinet, solely on the ground that Mr. Clay could not be spared from the House of Representatives, as the efficient leader of the friends of the Administration during the war. They were both highly qualified by nature for great military commanders. Both aspired to the first office in the gift of the American people. General Jackson was successful, and Mr. Clay failed—here was a difference as to results, but not as to qualifications. No man in America was better qualified for President than Henry Clay, and no other man would have filled the executive chair with greater credit to himself or more honor to the nation. Thousands in the United States and Europe will long wonder why it was that Henry Clay never reached the Presidential chair. Being connected with all his campaigns, in the press, on the stump, and in private circles; I answer, because Mr. Clay voted for John Quincy Adams against Gen. Jackson, in the House of Representatives, and then accepted from Mr. Adams the office of Secretary of State. Gen. Jackson had received the highest vote of the electoral colleges, John Quincy Adams the next highest, William H. Crawford the next, and Henry Clay the lowest, but no one received a majority of the whole number. This threw the three highest, Gen. Jackson, John Quincy Adams, and William H. Crawford, into the House of Representatives, of which Mr. Clay was Speaker. The Constitution of the United States, made the three equally eligible, but public opinion had awarded the election to General Jackson, who had received the highest vote, and the result of the vote of Mr. Clay for Mr. Adams, however pure, and however justified by Mr. Clay, was never satisfactory to the mass of the American people. It required explanations continually, and threw upon the friends of Mr. Clay the defensive in every field of political contest. I think the question is now settled by the public voice, that no minority candidate of the three returned

to the House of Representatives will ever again be elected to the Presidency.

Had the matter rested with the simple vote of Mr. Clay for Mr. Adams,—had Mr. Clay retained the Speakership, and refused to take office under Mr. Adams, his defense would have been far less difficult for his friends, but most unfortunately the card of George Kreemer had been published, charging bargain and corruption between Mr. Clay and Mr. Adams,—that Mr. Clay had bargained with Mr. Adams to give his vote to Mr. Adams for President, in consideration of his appointment to the office of Secretary of State. However false this charge was—now admitted by the friends and enemies of Mr. Clay so to be, Mr. Clay, by accepting the office of Secretary of State under Adams, made the transaction hard of explanation, and in the minds of thousands it never was satisfactorily explained, but stuck in the public mind, and affected every subsequent election in which the name of Mr. Clay was before the people.—The results of the after contests of Mr. Clay for the Presidency have been attributed to many causes, but had he cast his vote for Gen. Jackson instead of Mr. Adams, or had he declined to hold office under Mr. Adams after he was elected, I entertain no doubt whatever that Mr. Clay would have succeeded Gen. Jackson as President of the United States by a triumphant majority.

Gen. Jackson was no speaker, much less an orator. Like Thomas Jefferson, he was unable to debate the most common question. On one occasion, while he was chairman of the Military Committee, in the Senate of the United States, the bill he had reported was violently attacked in a set speech by Mr. Cobb, of Georgia. The General listened a few minutes to the speech, got up, walked around to the seat of Gen. Harrison and asked him to defend the bill, which he did effectually. Gen. Jackson said not a word on the subject. Such was the case with Thomas Jefferson, the admitted draftsman of the Declaration of Independence. He left the defense of that immortal instrument to John Adams and others, without opening his mouth.

Of the eloquence and powers of Henry Clay, in debate, I may say something when I come to sketch some of the Senators with whom I served. One incident, however, I notice now. Mr. Clay, Mr. Crittenden, Gen. Metcalf, and Mr. Harden paid Indiana a visit on one occasion. They entered the State at Richmond, came on the line of the Cumberland road to Indianapolis where there was an immense gathering. Mr. Clay addressed the people with his usual eloquence. His comrades also made excellent speeches. The next day they left for Madison. Several of us, in private carriages, accompanied them as

far as Columbus. We arrived there about dusk. The road was dusty, and Mr. Clay was almost exhausted. He determined not to speak, and the rest of us went over to the court-house, leaving Mr. Clay lying on the bed. The house was crowded to suffocation. The moment we entered there was a cry for Mr. Clay, and we were compelled to send for him. He entered and walked up to the stand, intending to show himself and retire; but as he bowed, an old fellow in the back part of the room bellowed out at the top of his voice, "Hurrah for Gen. Jackson!" I saw the fire flash from the eyes of Mr. Clay. He paused a moment, raised himself up to his full hight, and with his highest volume of voice replied, "'Hurrah for Gen. Jackson, that's your cry, is it? and where's your country?"—He followed the idea with one of the most eloquent, brilliant and thrilling speeches of thirty minutes I ever heard him make: he spoke of Rome in the days of Cæsar and Pompey, the country lost, while some hurrahed for Cæsar, and some for Pompey; he begged of the audience to look to their country and not become the mere followers of men. He retired amid the thundering applause of the audience.

I may again notice Mr. Clay among the Senators, and Gen. Jackson as President.

[Thursday Morning, September 10, 1857.

SUPREME COURT, UNITED STATES.

In January, 1827, the House adjourned over from Friday to Monday. I took Saturday to look into the Supreme Court. I had never seen the court in session. The form of the court-room oblong, the bar some three feet below the surrounding platform, one door only for entrance. The floor of the bar handsomely carpeted, with a long table standing in front of the judges; cushioned, roller arm-chairs for the lawyers; the judges seated in a row, on a seat some few feet from the wall, so as to leave a passage behind. The Attorney General sat at the right of the judges, the clerk at the left, the marshal at the platform on the left. The room plain, with side, cushioned sofas for ladies and auditors. In front of the judges, on the opposite wall, was seen the Goddess of Justice, holding the scales equally balanced, while busts of Chief Justices Ellsworth and Jay, stand on either side. These Representatives exhibited their sightless eyeballs as emblems of the character of the court, which is blind to the parties, while the scales are held in equipoise, as to the justice to be administered. I entered the room as the hand of the clock was pointed to eleven. The judges were just coming in from their side-room. The marshal met them, and robed them with long, black-silk gowns, tied at the neck and reaching to the feet. I looked for the wigs to follow, like the representation of Sir William Blackstone, and I had some expectation of seeing the cocked hats surmounting the wigs, but the dress judicial did not go that far. I had never seen any thing like it before. It reminded me of the man who, having repeated several times that he would die at the stake for the religion of his father, was asked, "What was your father's religion?" "I do not exactly know, but it was some thing very solemn." So with me; I did not exactly know what the gowns were for, but I thought the Court looked very solemn; that is, I thought so, but I was careful to keep my own counsels, as the marshal kept his eye occasionally in my direction. The judges were all seated, and the marshal, in a kind of nasal tone, cried out, "Yea, yea, yea, yea! the Supreme Court of the United States is now in session. All persons having business before the court will be heard. God save the United States and this honorable court." The court was opened. Chief Justice Marshal was seated in the middle, on his right were Justices Story, Thompson and Duval; on his left, Washington, Johnson and Trimble. William Wirt, Attorney General, was at his desk, and the Clerk at his table. I had a fine opportunity for the first time to see these great judges in session.

I looked upon the Supreme Court of the United States as the conservative power of our government, uncorrupted and incorruptible, standing aloof from popular excitements and partisan influences, with no other motives than to transmit the judicial ermine to posterity pure and unsullied. I had long heard of Chief Justice Marshall; had cited his opinions as of the highest authority; had read his life of Gen. Washington: and there he sat before me, aged and venerable. He was above the common hight; his features strongly marked; an eye that spoke the high order of his intellect. He wore a short cue, black coat, breeches buckled at the knee, long black-silk stockings, and shoes with fine buckles. His manner on the bench was exceedingly kind and courteous to the bar. He heard with the greatest attention the arguments and authorities of counsel. Chief Justice Marshall deservedly stood first in the judiciary of the United States, and I think of the world, at his day.

Judge Bushrod Washington, who sat at the left of the Chief Justice, was a much smaller man than Judge Marshall, venerable in appearance, with a face the index of a long life of laborious thought; his reported opinions show that he had a sound legal mind, but not of the very first order.

Judge Story was at that time young looking, though the hair had left the forepart of his head. He was of the common size of men, fine features, and a countenance marking him as a deep thinker. He was considered at that early day the commercial judge of the bench. Judge Story went upon the bench quite a young man, and rose by degrees until he filled America and Europe with his fame.

Judge Smith Thompson was in middle life; he had been Secretary of the Navy and was considered a sound lawyer. He was said to have been a great student and a sound judge. His opinions read well.

Judge Gabriel Duval was the oldest looking man on the bench. His head was as white as a snow-bank, with a long white cue, hanging down to his waist. He did not impress me at the time as being even up to mediocrity on the bench, and subsequent examinations of his decisions have only confirmed my first impressions.

Judge Johnson, looked like a good-natured, fat Alderman of fifty-five. I thought he would not kill himself by labor; was rather a surface than a deep judge. He was a good man, but never ranked with the first intellects on the bench.

Judge Trimble was comparatively a young man at that time, to all appearances of a robust person, and strong constitution. He looked as if he would be one of the last to be called away, and yet he was one of the first, and Judge McLean was appointed, by President

Jackson as his successor. He was a man of decided talents, and would, no doubt, have distinguished himself on the bench had he lived. He lies sleeping beneath the soil of his own Kentucky.

William Wirt sat at his table, with his face to the bar, where I was sitting. I looked upon him as one I had known before. I had read his life of Patrick Henry, his British Spy, his speech against Aaron Burr before Chief Justice Marshall. I had walked over, and seen Blannerhassett's Island, in the Ohio river, as it really was in 1817, and I had read it converted into classic grounds by the magic power of his pen. In person Mr. Wirt was much above the ordinary size of men. His face might be cast in the same mold with Thomas H. Benton's—the eye, the nose, the forehead, the chin, the mouth, indeed the whole bust of these distinguished men was very much alike, as I thought at the time I saw them together.

The Chief Justice called a case in which Mr. Ogden, of New York, was counsel for the plaintiff in error, and Hugh Lawson White, of Tennessee, for the defendant. Mr. Ogden was absent. Judge Marshall.—"What will you do with this case, Judge White?" "Mr. Ogden is not here and I can take no steps in his absence." "You can have the writ of error dismissed." "I am wholly incapable of taking advantage of the absence of counsel; let the case pass until Mr. Ogden arrives. I understand from Mr. Foote that he will be here in the course of two months." The case was passed; I was struck at the time with the professional courtesy of Judge White, which I afterward learned was a part of his character. The case of the United States vs. 350 chests of tea, was then called, and I had an opportunity of hearing William Wirt, Daniel Webster and Richard S. Cox. The argument of the case lasted all day. It was a great professional treat to me, to hear the eminent lawyers before the first judicial tribunal of the world. The case was opened by Mr. Wirt. I expected much from him, but I soon found that I was looking in the wrong direction for his forensic powers. I anticipated when he rose that tropes and figures, classic allusions, beautiful sayings and high-toned eloquence would fall from his lips as he proceeded. How different was the William Wirt addressing the Court. He commenced by distinctly stating the case in all its minutiæ, treating the Court as if they were entirely ignorant of the facts. When he had done with the statement, to which the Court gave the most profound attention, he made his legal points briefly, distinctly, and then took up the argument—reading and commenting upon his authorities as he went. His language was plain; his argument

strong. Mr. Webster and Mr. Cox sat taking notes. The William Wirt of the "British Spy" was not there in that argument.

Mr. Richard S. Cox followed in an argument of some two hours, showing that he had made himself master of the case. He spoke with eloquence and power, meeting and combatting the authorities of Mr. Wirt, as I thought, successfully.

Mr. Webster followed Mr. Cox. It was the first time I had ever heard that great man. He was then in the pride of his years, and to say that he came fully up to my expectations would not do justice to the idea I wish to convey. It was the clearest and most powerful law argument I have ever heard to this day. The powers of his mind were brought to bear upon a full preparation. Like Mr. Wirt, his manner was plain; no flourish of language; no attempt at eloquence; his power was in his thorough knowledge of his subject and the distinctness with which he stated his position. He spoke over two hours, and was followed in the close by Mr. Wirt, in a speech of much greater power than his first effort. The argument over, court adjourned, and I returned to my room highly pleased with my first day in the Supreme Court of the United States.

[Monday Morning, September 14, 1857.

SENATORIAL ELECTION, 1836.

The August election of 1836, for Senators and Representatives, had resulted in a decided majority on joint ballot against the Democratic party. There was to be a United States Senator elected by the next Legislature to succeed Gov. Hendricks, whose term was about to expire. Gov. Hendricks and Gov. Noah Noble were supposed to be the prominent candidates of the two parties. Gov. Boone was a candidate, and my name was spoken of. Previous to the meeting of the Assembly I had seen my Whitewater friends, and ascertained that they would stand by me in solid phalanx. I had counted my reliable strength and found it to be only thirty-five out of a joint body of one hundred and fifty, but I believed the friends of Gov. Noble and Gov. Hendricks could not coalesce. My hopes were that the friends of Gov. Hendricks, would, in the end, prefer me to Gov. Noble, and unite with my friends and control the election. The Legislature met on the first Monday in December. Lieut. Gov. David Wallace, President of the Senate, Charles H. Test, Secretary. In the House, Caleb B. Smith was elected Speaker, receiving 84 votes, and Jehu T. Elliott, principal Clerk. The sixth day of December, 1836, arrived. Governors Hendricks and Boone were at Washington, Gov. Noble in his room near the Hall. I was seated in the lobby of the House. The Joint Convention met. The Journal of the House says:

"The Senate came in from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when both houses of the General Assembly proceeded to the election of a United States' Senator to fill the vacancy of the Hon. William Hendricks, whose term of service expires on the 3d day of March next. Mr. Vawter acting as teller on the part of the Senate, and Mr. Evans acting as teller on the part of the House.

CANDIDATES.	1st Balloting.	2d Balloting.	3d Balloting.	4th Balloting.	5th Balloting.	6th Balloting.	7th Balloting.	8th Balloting.	9th Balloting.
Noah Noble	50	49	55	60	65	58	59	64	63
William Hendricks	41	41	47	50	40	37	25	6	1
Oliver H. Smith	35	41	35	34	38	44	57	73	79
Ratliffe Boone	22	12	9	3	3	6	5	3	3
Tilghman A. Howard	1	—	—	—	—	—	—	—	—

"Oliver H. Smith having received a majority of all the votes given, was, by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected United States Senator for the State of Indiana, for and during the term of six years from and after the fourth day of March, 1837."

It will be seen by the balloting that my thirty-five friends stood by me, except on the fourth ballot, when I fell off to thirty-four. This brought on the crisis between Gov. Noble and myself. The friends of Gov. Hendricks believed that if I went down, Gov. Noble would rise. The night previous to the election, I was lying on my bed at Brown's when a member came into the room and asked me to get up and go to a room in Browning's Hotel. General Noble had been there. I remarked "All right, my friends are all generals." About one o'clock at night my devoted friend, the young Speaker, Caleb B. Smith, came to my room and informed me that Richard W. Thompson, Thomas Dowling, James Collins, and other leading friends of Gov. Noble, had proposed to hold a caucus of our friends to select which one of us should be the candidate against Gov. Hendricks. "Please say to those gentlemen, that I am a candidate for United States Senator before the Legislature, and not before any caucus of the members." He left the room and soon returned. "The friends of Gov. Noble now propose to leave it to the FIRST ballot to decide the question; if he has a larger vote than you on the first ballot your friends will go to him, and elect him on the second ballot; if you shall have the most votes on the first ballot then his friends will go to you and elect you on the second." "Will you please say to those gentlemen, as my answer to the proposition, that I leave it the LAST ballot, whoever shall have the majority of all the votes cast on the last ballot will be the Senator. I desire no further proposition on the subject." Thus ended the matter. The election came on and resulted as stated.

I shall always gratefully remember my friends on that trying occasion, and especially the fact that upon every ballot I received every vote from my Congressional District without distinction of party; that among my warmest and most valued friends, through the whole exciting contest, I can name my first landlord, at Connersville, Newton Claypool, then a State Senator, and my two law students who had been members of my family, Jonathan A. Liston of the Senate, and Caleb B. Smith, Speaker of the House of Representatives. The General Assembly, that session, was composed of the first men of the State. Gov. Noble numbered among his friends many of the most talented of both Houses. Richard W. Thompson, Thomas Dowling,

Enoch McCarty, Robert Dale Owen, Austin W. Morris, James Collins, Othniel L. Clark, David Guard, Henry P. Thornton, William T. T. Jones, John Beard, John Dumont, Daniel Seigler, John Walker, John Vawter, David H. Colerick and others. My friends were equally talented. I name, Newton Claypool, William Watt, Caleb B. Smith, Robert Hanna, Henry Brady, Marks Crume, William H. Bennett, Thomas D. Walpole, David Macy, Austin M. Puett, George K. Steel, Lott Bloomfield, John H. Cook, Richard J. Hubbard, Benjamin F. Reeve, Jonathan A. Liston, Daniel Mace, Thomas Gale, Thomas D. Baird, Thomas R. Stanford, William Elliott, Abner M. Bradbury.

Of the distinguished friends of Gov. Hendricks who came over to my support, and to whom, with my original friends, I finally owed my election, I gratefully name, David Hillis, George Boone, Samuel Chambers, Thomas Smith, David W. Daily, David M. Dobson, Paris C. Dunning, Samuel Milroy, Milton Stapp, Abel C. Pepper, John P. Dunn, Joseph A. Wright, Delana R. Eckles, Joel Vandeveer, William Marshall, Joel Long, Gen. Depaw and George W. Ewing.

The election over, the convention adjourned "without day." The members left the hall in a bustle. I lost my hat and walked up to my room bare-headed. The next night, early, the long room of Mr. Brown's hotel was crowded; they had a joyous time, in which I was most happy to see the friends of my competitors participating. The next morning I left for home on my horse; the road was almost impassable. I arrived at home the second night, and the next morning followed on the trail of five hundred hogs, that I had fed in my own cornfield, on my Whitewater farms. Late in the evening I reached Henrie's Mansion House in Cincinnati, covered with mud. There were many inquiries about the result of our Senatorial election; I was asked if there had been an election. "Which is elected, Hendricks, or Noble?" "Neither." "Who then can it be?" "I am elected." "You! What is your name?" "Oliver H. Smith." "You elected a United States Senator! I never heard of you before." "Very likely." The next day I sold my hogs to Graham & Shultz, for seven dollars per hundred, received over seven thousand dollars cash and two days after was at home with my family.

[Tuesday Morning, September 15, 1857.

SUPREME COURT OF INDIANA.

The Supreme Court met at Corydon in May, 1817. Judges Scott, Holman and Johnson on the bench. There were at that term but two cases, on motion before the Court. The first motion was made by Reuben Kidder, and the other by my distinguished colleague in Congress, Thomas H. Blake, whom I shall notice again before these sketches close. The second term was held in the fall of the same year —Judges Scott, Holman and Blackford on the bench. Three cases only were decided, one by each of the judges. I mention these facts for the comparison by the bar of the business then before the highest judicial tribunal of the State, and the 800 causes now on the docket of the Supreme Court. Then, as now, the jurisdiction of the Supreme Court was only appellate, and the state of the docket then, as now, indicated the business before the lower courts. The spirit of change ultimately attacked the bench; there was no objection to the old judges: they had the confidence of the bar and the public in a high degree. The reports of their decisions stood even higher than those of the Supreme Court of Ohio, and were held as good authority in most of the States. Gov. Ray, soon after his election, let it be known that there would be a change upon the Supreme bench. At that time the judges of the Supreme Court were "appointed by the Governor, by and with the advice and consent of the Senate." The circuit judges were elected by the Legislature.

Soon after the inauguration of Gov. Ray, I was offered a seat on the bench, but having no judicial ambition, and not being willing to be laid on the bench at a salary of 700 dollars, I had the fortitude to resist the temptation, and Gen. John T. McKinney, Col. Stephen C. Stevens, and Judge Blackford were nominated to the new bench, and confirmed ultimately by the Senate. Many Senators strongly objected to the change, and at first refused to confirm the nominees, in the vain hope of forcing the Governor to nominate the old judges. Judge Blackford at the time, I presume, believed he was nominated because of his superior qualifications. But it was not to that circumstance he owed his continuance on the bench, but to the fact that he had been the unsuccessful competitor of Gov. Ray, and the Governor thought he could make friends in the Blackford ranks by nominating him. I have already sketched my opinion of Judge Blackford.

SKETCHES OF SUPREME JUDGES.

Gen. McKinney was a fair lawyer, and gave good satisfaction as a judge, but died before he had reached the meridian of his life, or had been long enough on the bench to fully develop his judicial character. His opinions in Blackford's Reports are sound law.

Col. Stevens stood high at the bar, was one of the strongest advocates in the State, but the diffusiveness of his opinions supplied too many *obiter dicta* for other cases, in the opinion of many sound members of the bar. He was one of the most laborious judges upon the bench, and furnished Blackford's Reports with many valuable opinions. Judge Stevens resigned his seat upon the bench to return to the practice, in which he was perfectly at home, where I leave him.

Charles Dewey, one of the oldest and best lawyers of the State, now took a seat on the bench. The Judge brought with him a matured mind, and a large experience as a practitioner. Many doubted at the time, whether he could sustain on the bench his high reputation at the bar. But, as his judicial powers were developed, he rose as a judge and fully sustained himself in the opinion of the bar, who are good judges and safe depositories of the judicial reputations of the judges. Many of Judge Dewey's opinions will be found in Blackford's Reports. He was dropped from the bench, with Judge Jeremiah Sullivan, by Gov. Whitcomb, and Samuel E. Perkins and Thomas L. Smith appointed, with Judge Blackford, to the new bench.

Judge Sullivan stood deservedly high at the bar. He was a fine lawyer of many years standing, in one of the first schools of practice of the State. The purity of his life and character gave him a reputation when he took his seat upon the bench, that stamped his opinions with high authority. He retired from the bench to his practice, in the meridian of life. Many of his valuable opinions are reported by Judge Blackford in his volumes.

Judge Perkins went upon the bench when he was quite a young man, and but little known beyond his Richmond locality, as a lawyer. I had seen him a few times, but had no special acquaintance with him. He was, however, well and intimately known to Gov. Whitcomb, from whom he received his first appointment. The Judge brought to the bench a sound discriminating mind, untiring energy, industry and strict integrity. His character as a judge was molded very much by those of Judges Blackford and Dewey, with whom he was first associated. His close application and great research into authorities, soon placed him high on the bench, where he has continued to labor since he took his seat, with an ardor and laudable ambition, that has proved almost too much for his feeble constitution. Many of his

opinions will be found in our reports. It is not my purpose to approve or disapprove of the decisions of the Supreme Court; they are reported, and speak for themselves. It is proper, however, that I should remark that the immense docket, with the change of the practice act, breaking down all the old land marks between common law and equity, and repudiating the forms of pleading with which the Courts were familiar, have made the labor and difficulties of the judges of the Supreme Court a hundred-fold greater at this day than they were under the old, settled practice, when the Court could look to precedents for their decisions.

JUDGE SMITH was considered a good lawyer when he was appointed to the bench. He was possessed by nature, of a strong, clear and vigorous intellect, well improved by reading. The Judge maintained a high reputation on the bench. Many of his decisions compare favorably, both in manner and legal accuracy, with those of his contemporaries. He delivered the opinion of the Court in the great case of the State of Indiana, against the Vincennes University in error. The decision was afterward reversed by the majority of the judges of the Supreme Court of the United States, but Chief Justice Taney, and the minority of the Court, concurred fully with the opinion of the Supreme Court of Indiana, pronounced by Judge Smith. The Judge has returned to his practice, and is discharging the duties of attorney for the new Bank of the State.

JUDGE DAVISSON brought to the bench a long and ripe experience at the bar, with a good mind and great industry. The Judge is in the meridian of life, and is rising rapidly in public estimation as a jurist. His opinions, as reported, are well expressed, and show much research into authorities.

JUDGE HOVEY was one of the youngest men that has been placed upon the bench. He was a good lawyer, and although not long enough upon the bench to establish his character fully as a judge, his opinions, as reported, show that he possessed judicial powers of no ordinary character. Judge Hovey was a member of our late Constitutional Convention, and is now District Attorney of the United States.

JUDGE STUART came to the bench from a heavy practice, and brought with him much experience. His mind is of a high order. He is a close thinker, stands well as a judge, and has given many important decisions, reported in our volumes of Reports, but I think he labors too much in the bark of his cases, sometimes stopping short of the merits.

JUDGE ROACHE was quite a young man when he came to the bench. He brought with him a good character as a lawyer. But he was not

long enough on the bench to develop his judicial character. His opinions, however, read well, showing that he possessed the qualifications to make a first-rate judge.

Judge Gookins came to the bench directly from a large practice, and brought with him an enviable character for legal learning. His mind was of a high order, clear, strong and concentrative. Many of his opinions will be found in our reports. He is yet in the prime of life, and must rise still higher in public estimation.

UNITED STATES COURT.

Judge Benjamin Parke, first Judge of the District Court of the United States, was a fair, but not a great lawyer. His honest mind seemed to look through the technicalities of the case, and seize the merits almost without an effort. His kind and courteous manner and the respect with which he treated the bar, made him loved and respected by all. After his decease, Judge Holman was appointed to fill the vacancy. He made a first-rate judge; patient, courteous and kind in the discharge of his official duties.

Judge Elisha M. Huntington, then comparatively a young man, Commissioner of the General Land Office, was nominated by President Tyler, to fill the vacancy, on the decease of Judge Holman, and was unanimously confirmed by the Senate. I was a member of the body at that time. Judge Huntington has discharged the duties of the office to the entire satisfaction of the bar. His mind is of a high order, his judgment good, and his courtesy to the bar such as to make him highly esteemed by all. Long may he live, say the bar of Indiana, one and all, so far as I have ever heard.

I need not say to the reader that these are only intended for "charcoal sketches," and not for finished portraits of these distinguished men.

[Saturday Morning, September 19, 1857.

JOHN TYLER.

How shall I sketch John Tyler? How shall I condense his brief history? Mr. Tyler is a part of the history of the country. His biography is written on the minds of the people. He stands out in bold relief on the promontory of his time, a warning to all ambitious aspirants, while, at the same time, he furnishes a strong illustration of the patriotism of all parties, which induced them to sustain an Executive, in whom no party had confidence, and who was repudiated by all parties. He stands alone, since the Revolution, a solitary monument of his own perfidy and disgrace. To the credit of the statesmen and politicians of the United States, he has no compeer in high places. John Tyler was not entirely unknown in Virginia, he had been Governor and a United States Senator, when by some strange fatality he was elected at the Harrisburgh Convention for Vice-President, and put upon the Whig National ticket with Gen. Harrison. I was at Washington at the time, but was never able to learn why he was thought of, unless it was because he had left Gen. Jackson, and it was supposed that he would give strength to the cause in Virginia.

If such were the inducements of his nomination, a greater mistake was never made. His State was one of the few that went largely against the ticket, and he proved recreant to the party that took him up and elected him the moment a good opportunity offered. It is not my purpose to review the memorable contest of 1840 for President, which resulted in the election of Gen. Harrison over Mr. Van Buren. That is a part of the recorded history of the country. It was one of the warmest political struggles, resulting in the most signal party triumph that was ever achieved in the United States. I was in the midst of the contest, riding and speaking day and night, to the assembled thousands. The dying thunders of the campaign, and the shouts of victory, had scarcely ceased, when we met at the City of Washington, on the 4th of March, 1841, to inaugurate Gen. Harrison as President, and Mr. Tyler as Vice-president, of the United States. The hour arrived. The Senators were all in their seats when Gen. Harrison entered the chamber, and took his seat in front of the Secretary's desk, followed by the representatives of foreign nations, Judges of the Supreme Court, members of the House and crowds of citizens. Gen. Harrison appeared more infirm than when I had last seen him at North Bend. The General was a small, slim, spare man, some five feet ten inches high, long, bony, narrow face, dark hair, falling carelessly over his forehead, dark eyes, and dressed in a plain cloth surtout coat.

His manner was graceful and easy as he bowed, and took his seat. Mr. Tyler was taller than the General, slim and spare, narrow forehead, long, hooked, high-bridged nose, projecting chin, wide mouth, long neck and small, narrow head. His countenance indicated to me, the moment I first saw him, the character of the man, about a medium Virginia politician, since the days of the giants have passed away from that ancient commonwealth. The inauguration took place from the east front of the capitol. The assemblage was immense, much larger than those on the occasions of Gen. Jackson's and Mr. Van Buren's inaugurations; both of which I had witnessed. Gen. Harrison read his address in a loud, clear voice. As he came to that part which spoke of the policy to be observed in our foreign relations, he turned and bowed to the foreign ministers, which they courteously returned. The scene was very imposing. The address closed; Chief Justice Taney administered the oath. The crowd dispersed. We returned to the Senate Chamber; Mr. Tyler took his seat, having been sworn into office previously; the Senate adjourned. Next day at twelve o'clock we met in executive session, received and unanimously confirmed the nominations of the Cabinet; Daniel Webster, Secretary of State, Thomas Ewing, Secretary of the Treasury, John Bell, Secretary of War, George E. Badger, Secretary of the Navy, Francis Granger, Postmaster General, and John J. Crittenden, Attorney General. Never was a Cabinet more highly approved by the Whigs. Indeed our opponents conceded their ability, and the whole country acknowledged that the Whig party and its principles would be faithfully represented in the executive branch of the Government, while the same party had a large majority in the House of Representatives and Senate, as the election of Speaker and committees showed. The Whigs elected the chairmen of all their committees in the Senate. I was elected chairman of the Committee on Public Lands, by a decided vote over Robert J. Walker, the late chairman. There was little other business done at the executive session. We adjourned, with the understanding that there would be a called session during vacation. I called on the President elect; met Mr. Tyler there; all things looked right. I took leave of both and returned home, bringing with me to our Whig friends the gratifying news of the harmonious and able cabinet that was installed into office, and of the decided working majority of the party in both Houses of the next Congress. Soon after my return I received the proclamation of the President calling a session of Congress to convene on the 21st of May. The proclamation bore date March 17th. How uncertain are all human prospects! how frail this earthly tenement! I left Gen. Harrison well, in fine health, with a green old

age upon him, on the 10th of the month; before its close, he was stricken by a fatal disease, and on the 4th of April, just one month after he was inaugurated, he was gathered to his fathers. His body was borne in solemn procession over the mountains, to his last earthly resting-place, at North Bend, on the Ohio river, five miles above the mouth of the Miami, where the passenger on the steamer as he looks to the Indiana shore, may see the white tomb, on the high ground of a beautiful grove, surrounded by a plain white fence. There sleeps the body of Gen. Harrison; the beloved of the West; the true patriot and brave man.—Peace to his ashes!

The extra session came, and with it political treason in high places. It has been asked a thousand times, and will continue to be while history records the deed, why was it that John Tyler turned against the party that elected him? Why did he reward confidence with treachery? Why forsake the standard that had waved over his head when he marched, by the side of the hero of Tippecanoe, to triumph and victory? Had Gen. Harrison lived to serve his time, would Mr. Tyler have deserted him as he did Gen. Jackson? Was it principle growing out of the bank question that caused him to turn round upon the party that elected him? These and other questions have been asked, again and again, in my presence. The facts have never been controverted, but the cause that produced them has been subject to many opinions. I have had but one upon the subject. Had Gen. Harrison lived Mr. Tyler would never have forsaken him. The motive would have been wanting. He had left Gen. Jackson and the Democratic party, and had nothing to expect from that party. He had no temptation to break his faith with the Whig party until Gen. Harrison died, and he had succeeded to the Presidential chair, nor do I believe he had the most remote idea of cutting loose from the party that elected him, and of setting up for himself, until the meeting of the extra session. He and his Cabinet were united and harmonious up to that time, and, as I have already said, a truer set of Whigs the party did not hold, than this Cabinet. Was it the bank question that caused him to leave his party? I answer, no; that was one of the pretexts only; the celebrated letter of Mr. Botts was another. "What then was the cause?" I will be asked. I answer, the cause was that Henry A. Wise, of Virginia, was not selected for Speaker in place of John White, of Kentucky, by the Whig caucus. Henry Clay was unjustly suspected of producing this result. Mr Wise had been up to that event, from the very first, one of the most violent of all the Whig politicians of the United States. It was he who gave the celebrated toast, that went the rounds of the Whig press, "The union

of the Whigs, for the sake of the Union." He had been, during the contest, with other chivalrous spirits of the South, who had taken conservative grounds, in the front of the great political battle that had just terminated in the most triumphant and overwhelming victory in the annals of our country. It is natural that he should have looked to the Speaker's chair, as due to his efforts in the Whig cause, and for which he was admitted to be eminently qualified. John White, of Kentucky, was elected over him by the Whigs. I was there at the time, and without any preference individually, as between Mr. Wise and Mr. White, I regretted the choice on party grounds. Mr Wise was perhaps the only Whig in the House who had Tyler proclivities. It is proper that I should introduce Mr. Wise here more directly to the reader. He was a spare, slim man, under the common hight, large head, brown hair, hanging on his shoulders, parted on the sides, falling carelessly over his high forehead, remarkably large mouth, dark, piercing eyes; he dressed plainly, generally wore a black frock coat. Mr. Wise possessed talents of a high order, with debating powers among the very first in the House. He was an ardent, impulsive, and sometimes vehement speaker, very characteristic of the Virginia and Southern school. He was the man to mold John Tyler, a Virginian. The private and political friend of Mr. Tyler, he had with him left the Jackson standard, and gone over to the opposition. Possessing a mind in every respect superior to Mr. Tyler, with a full knowledge of his weak points, goaded on by disappointed ambition, suspicious of Mr. Clay, and with the probable political prospects before him, he thought to establish a Tyler dynasty upon the ruins of the Whig party, and such additions from the Democratic party as might be allured from their allegiance by the "loaves and fishes" of the "rising sun."

Mr. Tyler, in my opinion, was but an instrument in the hands of Mr. Wise, the superior Virginian. Mr. Wise had, in the instrument before him, one string upon which he could play, sure of harmonious sounds, the *vanity* of John Tyler. He was aware that Mr. Tyler, during the campaign, while seated on the popularity of General Harrison, deluded himself with the idea of his own importance, like the prairie fly, safely nestled in the shaggy mane of the bounding buffalo, pursued by a flying band of Camanches, which imagines itself the object of the pursuit, and feels able to leave the noble animal and take care of itself at any moment. Mr. Tyler was vanity itself. Mr. Wise had only to play upon that string, to hold up the perpetuation of the Tyler dynasty in the succession of Mr. Tyler to the Presidential chair. This could not succeed while Henry Clay stood first—the acknowledged leader of the Whig party. Mr. Tyler must cut loose from Mr.

Clay and set up for himself. Congress was in session. The measures of the Whig party were well known to both Mr. Tyler and Mr. Wise. That they would be proposed by the leaders of the Whig party was as well known before as after their introduction.—Among them was the question of a National Bank. Here was the first pretext, no doubt anxiously looked for by the leaders of the Tyler movement. I do not mean to confine that deep-laid scheme to Henry A. Wise alone; far from it. There were Cushing, Wise, Upshur, Gilmer, Irwin Spencer, Proffitt, and others known to the country as "the Corporal's Guard," who played upon the same instrument, flattered Tyler's vanity, inflated his self-importance, and ministered to his delusion.

Before any bank bill had passed either House, I happened at the White House one evening. There were few in the audience-room. Mr. Tyler was promenading arm in arm with two Democratic Western Senators, Mr. Tappan and Mr. Allen. I sat quietly on a side sofa, noticing their movements. The conversation appeared earnest, with such nods and gestures as satisfied me as to what we had to look for. I left, and on the way to my boarding-house, on C. street, I called at Mr. Clay's room. He was alone. The moment I was seated he asked me if there was any news.—"Yes, Mr. Clay, I stopped to tell you that Mr. Tyler will go over to the Democratic party." "How do you know? Did he say so, or did anybody tell you so?" "Neither." I then told him what I had seen. "Strong symptoms, Mr. Smith, but it can not be possible that after all we have done for him he will desert us." "You will see." So he did see. The first bank bill was passed and received the veto of Mr. Tyler. Many of the leaders of our party attributed it to his Constitutional scruples. I did not. Mr. Webster and Mr. Ewing gave our party strong assurances that Mr. Tyler would approve of a bill modified in some particulars. It was thought best on party grounds, to yield to his whims without departing from principles. Another bill was carefully drawn, and submitted to him in advance, so as to insure his signature. He kept it several days, modified, corrected and interlined it with his own hand, and handed it back to the committee of the party as entirely satisfactory to him, and faithfully promised to approve it.

I met Mr. Berrien next morning and asked him if he thought the President would approve the bill, if we passed it. "I think so, but let us pass it as it came from his hands, and he can not veto it." "This is all gammon on his part; he never will approve of it, or of any other bill of the kind that will hold him in public opinion longer identified with Henry Clay." And the result proved that I was correct. While the bill was pending, Mr. Botts wrote his foolish letter to "head Cap-

tain Tyler or die," which was seized upon with avidity, by Mr. Tyler and his friends, as another pretext for his veto. Some pretended to believe that the letter had something to do with his course. I do not believe one word of it. His course was settled the day after Mr. Wise was rejected by the Whigs, and John White selected for Speaker. Bank bill, or no bank bill, Botts letter, or no Botts letter, he was lost to the Whig party. The bill he had interlined with his own hand, and passed without changing a letter, after the reflections of the Sabbath day, shared the same fate with the other. A veto followed. The eyes of the whole Whig party were opened. Mr. Tyler and his guard were seen fortifying themselves, by the Executive offices and patronage, in their little circle around their Chief, to become as they vainly imagined, the nucleus of the great Tyler party that was to be. All was joy in the Democratic ranks. Not at the defection of Mr. Tyler alone, but at the anticipated effects of the treason on the Whig party. On the other hand, the Whigs were deeply affected. They saw all their hopes blasted, the labors of the campaign lost, the Executive department, and its co-operation, torn from them by the perfidy of the man they had elected. There were but two courses to be pursued. The one was to stand still, and let Mr. Tyler and his allies govern the great Whig party and control its action, while the responsibility of the administration would rest upon them in the national mind. And the other was to cut loose from the Executive, and repudiate all responsibility for his acts. The latter course met the approval of the whole party, except a very few, who had tasted, or were looking for, the crumbs that fall from the Executive table, small and great. The Whig manifesto followed. I was honored by being associated with John Mc Pherson Berrien, and Nathaniel P. Talmadge, of the Senate, as the Committee of the Whigs of that body. Horace Everett, of Vermont, Sampson Mason, of Ohio, John P. Kennedy, of Maryland, John C. Clark, of New York, and Kenneth Rayner, of North Carolina, acted as the Committee of the House. The Joint Committee reported the manifesto to a mass meeting of the Whigs of both Houses. Many speeches were made by distinguished Whigs, a sketch even of which I have not space to record, among which were two of uncommon power, the one from Millard Fillmore, and the other from Thomas F. Marshall. The vote was taken,—the manifesto adopted without a dissenting sound, that I heard.

Two days after the second veto all the Cabinet resigned, except Mr. Webster, Secretary of State, who retained his position, for reasons satisfactory to himself at the time, no doubt, but which were far from being so to the Whig party, and which even Mr. Webster had to abandon

at a subsequent period, and give place to Mr. Calhoun, not however, until after he had made his Faneuil Hall Speech, which, for his sake, I always regretted. The most of the Tylerites soon made their appearance in the executive nominations to our body for high office, and were all promptly rejected, neither party having any confidence in Mr. Tyler or his nominees. Mr. Wise was nominated for Minister to France, I voted against him with much reluctance. Had he been nominated to any other Court, even by President Tyler, I should have voted for him. Our relations at that time with France were of an inflammable character, and I thought Mr. Wise was not the man for that Court. During the extra session it was given out that Governor Bagby, of Alabama, would on a certain day show up the Whig party in its true light. At an early hour the galleries and side sofas of the Senate were filled. Judge Upsur, Gilmer, Cushing, Wise, Irwin, Proffit, Robert and John Tyler, Jr., in front and around the Governor as he rose from the seat next to Col. Benton. Gov. Bagby, was of the large size of men, fine features, bald head, strong, musical voice, and withal, one of the severest tongues in the Senate, exceedingly sarcastic and bitter, and yet pleasant in his social intercourse. As we all expected the Governor commenced upon the Whig party. I was sitting at the time directly before him, looking him in the face. He said all and more than all that I had ever heard from any other source, against the party to which I belonged, to the infinite delight, visible and unrestrained, of all the Tylerites present. He had worked himself up to a fine strain of impassioned eloquence, when looking in my face, at the highest pitch of his strong voice, "Why don't you Whigs keep your promises to the American people. I pause for an answer." I said, "Because *your* President won't let us." He leaned back against the railing, paused a moment, and then in the most contemptuous manner exclaimed, "Our President! our President! Do you think we would go to the most corrupt party that was ever formed in the United States and then take the meanest renegade that ever left that party for *our* President?" From that moment the Whig party was lost sight of and Mr. Tyler became the text for the balance of the discourse. The seats of the Tylerites were vacated in a few minutes, and their occupants were seen leaving the chamber, any thing but smiles resting upon their countenances. The session was about to close, when I called into the Vice President's room near midnight to get a nomination of a land officer for a vacant office. I found Mr. Tyler seated at the table and Mr. Webster sitting beside him. The other Cabinet officers had resigned. I was received formally, but coolly. Mr. Tyler looked uncomfortable, and Mr. Webster appeared ill at ease in his position. I staid but a

moment and returned to the chamber, then in executive session. The nominations were fast falling on the President's desk, and as they were announced over and over again, as promptly rejected. Cushing, Wise, Spencer followed each other in rapid order, and were each returned with the message, "We do not advise and consent to the nomination." Congress adjourned. The Tyler convention of his office-holders and aspirants for office under him, was held at Baltimore, Mr. Tyler was unanimously nominated for re-election. The nomination fell still born. Not a State formed an electoral ticket for him. Long before the Presidential election, Mr. Wise was leading the Democratic forces against his late brethren, but poor Tyler was left shivering at the door of the party, with the voice of the watchman, "We know you not," ringing in his ears.

"Who would rise in brightest day,
To set without one parting ray?"

[Monday Morning, September 21, 1857.

UNITED STATES SUPREME COURT.

A few years since I visited the Supreme Court a second time. What a change since I first saw that dignified tribunal in the year 1827! The court was in session when I entered and took a seat on the sofa in front of the judges. Where were Marshall, Washington, Duvall, Thompson, Story, Baldwin, Johnson, Trimble? Gone in the few years of my absence, gone forever; and there sat in their gowns Chief Justice Taney in the chair of Marshall, the young Judge Curtis in the seat of Story, Judge Nelson in the chair of Thompson, Judge Grier in the seat of Baldwin, Judge Wayne in the place of Johnson, Judge McLean in the seat of Trimble, Judge Daniel in the place of Washington. Caleb Cushing sat at the table of William Wirt. Every thing looked strange, except the familiar face of Judge McLean, the presiding judge of the Circuit Court of the United States for the District of Indiana.

It is not my purpose to institute a comparison between the judges that composed the court in the year 1827, and those of after years. The moment my eye struck the bench I said to myself, the two strong men are Chief Justice Taney and Judge McLean. Nature so declared. Their powers of mind were stamped upon their faces, and their high judicial character distinctly marked upon the whole external man, and yet in person they were not alike. The Chief Justice was tall and slender, considerably bent with years, his face deeply furrowed, his hair hanging carelessly over his high forehead, which he frequently wiped away. His arms and fingers were long and bony, not unlike those of John Randolph. His countenance was marked by the study of many years. His dress plain black. He sat pen in hand attentively listening to Mr. Cushing addressing the Court, frequently taking notes, as the argument progressed. Judge McLean sat near him; his large head, inclined to baldness, gave him a remarkably prominent forehead. In person full six feet, well made, quite fleshy, large, expanded chest, features prominent, countenance open and noble. I know no living man with whom to compare him. He always reminded me of my idea of the appearance of Gen. Washington at the same age. The Judge sat quietly listening to the argument, with a printed brief in his hand. I looked at these distinguished judges with the highest veneration for their age and high judicial standing. I felt that the one was Chief Justice, and that the other would grace that high judicial position, or any other under our free institution, with credit to himself and honor to the nation. Chief Justice Taney, it was said,

received his appointment from Gen. Jackson as a reward for his services in removing the deposits from the Bank of the United States, as required by the President. He was at the time Secretary of the Treasury. He was a sound lawyer of many years practice at Baltimore, and a good Catholic, when he was taken into the Cabinet of Gen. Jackson. His mind was of a very high order, and bringing with him a ripe professional experience, with long reading, he stood at once fairly in the judicial shoes of his illustrious predecessor. Judge McLean had been many years a member of Congress from Ohio, afterward Supreme Judge of that State, when he was transferred to the office of Postmaster General of the United States. It may he said with entire confidence that no man ever filled that highly responsible office more to the satisfaction of the people of the United States. He was respected, feared, and beloved, by contractors and deputy post-masters, over the length and breadth of the land. He required promptness, diligence, and faithfulness of them; a slight excuse would atone for slight errors, but dismissal promptly followed intentional neglect or willful unfaithfulness. I was at Washington at the time Judge McLean was transferred, by Gen. Jackson, from the Post Office Department to the Supreme Bench. It was whispered in political circles, at the time, that the Judge had been requested to make certain post-office appointments on political grounds, to reward partisan services, and had declined to do so, setting up the Jeffersonian qualifications as his standard. "Is he honest, is he capable, is he faithful to the Constitution?" The seat on the bench became vacant by the death of Judge Trimble. Judge McLean accepted the nomination to the bench, and was at once unanimously confirmed. His long and invaluable services can only be appreciated by an examination of his opinions, in the reports of the Supreme Court, and McLean's Circuit Court reports. I have not had an opportunity of comparing the Chief Justice with Judge McLean, presiding on the circuit, but from his kind, affable manner of presiding in the Supreme Court, I have no doubt of his high character in his circuit. Of Judge McLean I may speak from personal observation, having practiced in his court, in this State, for the last thirty years. Judge McLean on the bench is a model—plain, courteous, affable, dignified, patient and prompt. His mind is of a highly comprehensive order, always in search of truth, and the merits of the legal controversy; the cobweb forms that are too often interposed by ingenious counsel in the path of justice, are swept away by a brush of his judicial mind, and the merits of the case seized with a strength that carries conviction with him; his opinions given in a plain, direct manner, are

intelligible to the commonest legal mind, more like the decisions of Lord Mansfield than any living jurist. With all, his high moral and religious character stamp his opinions with great weight upon the public mind.

The high estimation I had been accustomed to place on the opinions of these two eminent judges, led me to look with deep interest to their opinions in the late Dred Scott case. I saw that their local positions and political associations would be charged on either side of Mason's & Dixon's Line, as influencing their minds and controlling their opinions. That is a matter that politicians may dwell upon, but with which I have nothing to do, as I expressly eschew politics in these sketches. The opinions of Chief Justice Taney and Judge McLean in that exciting case are published at large, and have been read by the American people. I have neither time, space, nor inclination to review them. But I do not feel willing to pass the question by without a single word of my own. I give to the judges the same unqualified credit for honesty, impartiality and love of country—the same determination to confine the judicial functions of the Supreme Court of the United States to their Constitutional boundaries; I strip the case from all outside pressure—all external political influences; I seat the judges in their robes upon the bench judicial, with the Constitution of the United States and those of the several States open before them, and put to them the following questions:

First, Have the people of the several States the right to adopt their own constitution, allowing, or inhibiting slavery, under the provisions of the Constitution of the United States?

Second, After the constitution of a State is approved by the people, and the State is admitted into the Union by Congress, and the act of admission has been approved by the President, can either the President, Congress, or the Judiciary, interfere with, or annul, any of the fundamental principles of the constitution without the assent of the people of the State, expressed in the way and manner provided in the State constitution?

Third, If the Supreme Court has the power to say that slavery may exist an *hour* in a State whose constitution prohibits slavery, may it not fix the time that slavery may exist in such State?

Fourth, If the Supreme Court can say that slavery may exist in a State for an hour against the express provisions of the State constitution, may it not say, with equal authority, that slavery shall not exist in States whose constitutions expressly recognize the institution of slavery? Does not the exercise of the power over the subject cross Mason and Dixon's line with equal authority, if it exists at all?

Fifth, If the position be true, that the slave carries with him to the free States his condition in the slave States, for any other purpose than that of being reclaimed under the Constitution of the United States, when he has escaped without the assent of his master, then are not the express provisions of the constitutions of the free States inhibiting slavery impliedly repealed, at the will of every slave-holder?

Let these questions be fairly answered by the reader, let him be a slave-holder or non slave-holder, then let him read the opinions of Chief Justice Taney and Judge McLean in the Dred Scott case.

[Tuesday Morning, September 22, 1857.

HORSE-THIEVES—JUDGE CLARK'S MODE OF PREVENTING NEW TRIALS.

There are a few more cases that I desire to rescue from the hand of time, which must soon sweep all others from the recollection of the living, before I proceed to sketch more important reminiscences of the men and things of my day.

Indiana was a territory. The country was a wilderness, except a few posts and settlements. Fort Harrison, had been successfully defended by Gen. Taylor. Gov. Harrison had removed to Vincennes, as the executive of the Territory. The country was filled with Indians, friendly and hostile, when a gang of desperate horse-thieves from Kentucky, Ohio, Pennsylvania and Virginia, began to cross the river and steal and drive away the horses of the white men and Indians, indiscriminately. Gov. Harrison was waited upon, and consulted. The settlers were for lynch law and hanging, or at least whipping; but the opinion of the Governor, that the laws should be enforced upon the offenders, prevailed, and many thieves were taken and confined, ready for the sitting of the Court. At the next term, trial after trial, with conviction after conviction, were had, but the attorney for the United States was a young, green lawyer, and every conviction was followed with successful motions in arrest of judgment for some defect in the indictments. The judge being a good lawyer, decided no doubt, correctly, according to the written law; but the decisions gave neither protection nor satisfaction to the people. The clamor against the Court reached the ears of the judge, and he resigned, when Gen. Marston G. Clark, a cousin of Gen. George Rogers Clark, and afterward agent for the Kansas Indians, was by consent appointed judge to fill the vacancy on the bench. The General was no lawyer — was raised in the woods of Kentucky, where there were no schoolhouses; could scarcely read a chapter in the Bible, and wrote his name as large as John Hancock's in the Declaration of Independence. He was about six feet in his stockings, of a very muscular appearance — wore a hunting-shirt, leather pants, moccasins and a fox-skin cap, with a long cue down his back. Court came on; Judge Clark on the bench. The jail was full of horse-thieves. The penalty was not less than thirty-nine lashes on the bare back. The grand-jury returned into court indictments against each of the prisoners. Judge Clark.—"We will try John Long first, as he seems to be a leader in this business. Bring him into court." Sheriff.—"There he sits; I brought him with me." "John Long stand up. You are indicted for stealing

an Indian pony; guilty or not guilty?" Counsel.—"May it please the Court, we plead in abatement that his name is John H. Long." "That makes no difference; I know the man, and that is sufficient." "We then move to quash the indictment before he pleads in chief." "State your objections."—"*First*, There is no value of the horse laid.—*Second*, It is charged in the indictment to be a horse, when he is a gelding." "I know an Indian pony is worth ten dollars; and I shall consider that a gelding is a horse; motion overruled." Plea of not guilty; jury impanneled; evidence heard; proof positive; verdict, guilty; thirty-nine lashes on his bare back. Counsel.—"We move in arrest of judgment, on the ground that it is not charged in the indictment that the horse was stolen in the Territory of Indiana." "That, I consider a more serious objection than any you have made yet. I will consider on it till morning. Sheriff, adjourn the court, and keep the prisoner safe till court meets." The judge kept his seat till the sheriff returned from the jail. "Sheriff, at 12 o'clock to-night you and your deputy take Long into the woods, clear out of hearing, and give him thirty-nine lashes on his bare back, well laid on, put him in jail again; *say nothing*, but bring him into court in the morning." The order was obeyed to the very letter, and next morning Long was in the box when court opened, his counsel ignorant of what had taken place. Judge Clark.—"I have been thinking of the motion in arrest in the case of Long; I have some doubts, as the evidence proved that he did steal the horse in this territory, and I think I ought not to sustain a motion that I understand will discharge the prisoner after he has been found guilty by the jury; but I feel bound to grant a new trial." Long, springing to his feet, "Oh, no, for heaven's sake; I am whipped almost to death already. I discharge my attorneys and withdraw their motion." Judge Clark.—"Clerk, enter the judgment on the verdict, and mark it satisfied." The other prisoners were brought up in succession, and convicted. No motion to quash, or in arrest, was afterward made. The prisoners were whipped and discharged, carrying with them the news to all their comrades. Not a horse was stolen in the territory for years afterward.

TURKEY IN COURT AND ON THE TABLE.

In the third circuit our prosecutions were technical, the criminal law describing crimes and prescribing punishments, strictly construed, and the forms of Chitty's criminal law with the statutory definitions adhered to, as I have sometimes thought, beyond the requirements of justice. On one occasion I had indicted a man for stealing a horse

and the evidence proved the animal to have been a gelding. The variance was held fatal on the trial. In another case the indictment charged the stealing of a hog, and the evidence proved that the animal was dead and dressed, hanging upon the hook. The Court held that the variance must defeat a conviction, as it was "pork" and should have been so laid, and not a "hog." I had been a good deal annoyed with these cases, when there came up for trial a prosecution against a man for stealing a turkey of the value of one dollar. The proof was that the fowl was dressed, hanging up in the smoke-house of the prosecutor. Judge Eggleston ruled that the variance was fatal on the ground that it was "fowl," and the prisoner was acquitted. Court adjourned, and dinner was announced at the hotel. As we entered, I saw about the middle of the table a fine, large, roasted turkey, of which the Judge was uncommonly fond. It fell upon me that day to carve. I had just finished the operation. Judge Eggleston.—"Mr. Smith, will you please help my plate to some of that turkey." "To what?" "A part of the turkey—a wing, a side-bone, or some breast." "Judge, I don't know what you mean, I see no turkey, will you have some *fowl?*" The Judge "took," as the saying is. "Well, Mr. Smith, you rather have me, but you must recollect that there is a wide difference between a turkey in an indictment, and one on the dinner table."

[Wednesday Morning, September 23, 1857.

PROMINENT MEN OF EARLY INDIANA.

I am unable yet to leave for Washington, as there are a few more persons that I wish to introduce to the reader as my early friends. There lived in early times, near Brookville, two families from which sprang individuals of considerable note, known as the McCarty and Hanna families. Judge Benjamin McCarty was one of the first judges of the county courts under the territorial government. He was a man of Herculean frame, and of a strong mind. I barely knew him. His two sons, Enoch and Jonathan, I knew well. Enoch was a member of the first convention that formed the State Constitution; of the Legislature repeatedly, and many years clerk and judge of the Franklin Circuit Court. He was a cool, strong-minded man, of the very first standing in society, and contributed largely to the mass of mind that controlled early Indiana—cast all his influence on the side of morality and religion. Gen. Jonathan McCarty, his brother, was one of the most talented men in the State. He was defective in education, but had great native powers. He early became a politician; represented the county of Franklin in the Legislature, and procured the passage of the law laying off the county of Fayette; soon after which, he removed to the new county, and when I arrived at Connersville, in 1820, I found him clerk of the court. Gen. McCarty represented his district in Congress for several years with ability. As a stump speaker he was ardent and effective; his person was above the medium size; his head and face of fine mold; his voice strong and clear; and his action good. At one time he was receiver of public moneys at Fort Wayne, but soon voluntarily left his office for the more fascinating, but less profitable field of politics, and was ultimately defeated by Mr. Rariden. He removed from the State to Keokuk, Iowa, where he died some years since. The General left many warm friends behind him in the Whitewater country.

Gen. Robert Hanna, of Franklin, was among the very first men in early Indiana. He was in person below the common size, strong and firmly built up, his head large, his forehead high, his eyes light and well set in his head. His walk would point him out as a drill officer of the regular army, and his appearance in full uniform at the head of his brigade was truly *en militaire*. The General represented his county in the Legislature, and in the Convention of the State that formed the Constitution of 1816. On the death of Gen. Noble, he was appointed by Gov. Ray to fill the vacancy in the Senate of the United States for the balance of the term. He was highly respected

in that body and voluntarily retired to private life at the close of the term, honored and respected by all.

George H. Dunn, of Lawrenceburg, and James Perry of Liberty, were two of my early friends. They were both fine lawyers, very much alike, both well acquainted with their books, both fine special pleaders, both under the medium hight. As debaters, the same similarity was observed. They were neither what we call advocates, whose powers control the Court and carry away the jury. If they gained their cases, it was because they were on the right side, and they seldom failed when they were. As commercial and chancery lawyers, they ranked high.

James Rariden I have noticed so frequently, that it seems only necessary to say here, that he was one of the strong men of the State. He represented Wayne county many years in both branches of the General Assembly, was an efficient member of the last Constitutional Convention, and served two terms in Congress from his district. Mr. Rariden was for years my circuit companion; we rode through the wilderness together, ate together, slept together, and were just as near one man as two could be. Mr. Rariden was a strong, common-sense man, always ready at retort. He made no religious pretensions, though he said he was "brother-in-law to the Methodist church." During the time he was in the House, I was in the Senate. It became necessary for the Secretary of State to designate two newspapers in his district to publish the laws of the United States. Mr. Forsyth, then Secretary, wrote to Mr. Rariden to make the selection of "two papers that inculcated correct doctrines." Mr. Rariden in answer, "would the Secretary consider a paper that supported Gen. Harrison as inculcating correct doctrines?" Mr. Forsyth.—"I would not." "Then I have no recommendation to make." The Presidential election of 1840 was approaching; the contest grew warmer and warmer; both sides seemed to be sanguine when by accident Mr. Rariden and Mr. Francis P. Blair, then the editor of the Globe, met in the hall of the House of Representatives. A bet was proposed by Mr. Blair of one thousand dollars that Van Buren would be elected, and one hundred dollars on each State that Van Buren would get the electoral vote over Gen. Harrison. Rariden promptly took the bet; stakes to be put up in a few days. I happened over in the House when the two parties met. Mr. Blair.—"Mr. Rariden, I would rather not bet; I am the editor of the organ of the Government, and it may injure my influence if it is known that I bet on the election." "Then you give up, do you?" "I give up that your party can out lie us." "Do you give that up? I consider that giving up the election; that is the only strength your

party ever had." The bet was carried no further. One day Gen. Garrett D. Wall of the Senate asked me to introduce him to Mr. Rariden, stating that he wished to bring him over to the Democratic party. An opportunity soon offered, and the General remarked, "Mr. Rariden, I believe you are an honest man." "That is my character, General." "I can not see then why you remain attached to the corrupt Whig party." "What better can I do, what corruption do you refer to?" "I refer to the corrupt and false certificates, by which the New Jersey members have got their seats." "Are you sure, General, that the certificates were false and corrupt?" "I am." Rariden, laughing, "That is the first ray of hope I have had for our party, for a long time; there's where we always failed before; your party has beaten us all the time in getting up these spurious certificates. Now we seem to have some chance." We parted, and as Gen. Wall and myself walked up the avenue, he remarked, "Your friend is the most incorrigible man I ever met." Mr. Rariden died within the last year. A meeting of the bar was held in the Supreme Court room, and I was honored with the solemn duty of presenting the proceedings to the Supreme Court of the State and the Circuit Court of the United States.

NEWTON CLAYPOOL.

When I arrived at Connersville, in May of the year 1820, I stopped at the hotel of Newton Claypool. He was about my age. I had been licensed to practice in March before, and was looking for a location. My last dollar had escaped from the top of my pocket. Breakfast over, I met Mr. Claypool in the bar-room; as we met I remarked—"Look at me and see whether you will risk me for my board a year." "Who are you? where did you come from? what is your trade? and how do you expect to pay for your board?" "My name is Smith; I am from Lawrenceburgh; I am a young lawyer, and I expect to pay you from my practice." "Rather a bad chance, but I will risk you." That day my acquaintance with Mr. Claypool commenced, and I found him my friend in need, as well as in deed. An intimacy grew up between us, which has lasted thirty-seven years, without the slightest interruption, and which I have no doubt will continue while we live. He never was a candidate for office that I did not support him, nor was I ever before the people or the Legislature, that he was not my fast friend. Mr. Claypool represented the county of Fayette many years in both branches of the General Assembly, with signal ability. He voted for me for United States Senator when I was

elected. His greatest forte was in his practical knowledge applied to the subject by his strong common sense. He was one of the most efficient men of the Legislature for many years. The boarding was paid, and in after years I had both the honor and pleasure of receiving his son, Benjamin F., into my office as a student.

JOSEPH G. MARSHALL.

Joseph G. Marshall was another of Indiana's distinguished sons. In person, he was large and fleshy, his hair red, like that of Thomas Jefferson. As a lawyer, Mr. Marshall stood among the very first in the State. His great forte as an advocate was in the power with which he handled the facts before the jury. He seemed to forget himself in his subject, and at times, I have thought him unsurpassed by any man I ever heard, in impassioned eloquence. He had a large practice of heavy cases, requiring all his forensic powers. Mr. Marshall was also one of the leading politicians of the State, many times a Representative and Senator from Jefferson, was the nominee of the Whig party for Governor, but was defeated by Gov. Whitcomb. He was a great speaker before the people, frequently exhausting his whole strength on the stand. Like many others he neglected the preservation of his voice, and by repeated irritation of the bronchial organs, his lungs ultimately became affected, and he closed his life ere he had reached its meridian. I was again honored with the presentation to the Courts of the proceedings of the bar on the solemn occasion.

GEN. TILGHMAN A. HOWARD.

Gen. Tilghman A. Howard, another of our distinguished dead, was one of the great men of the State—I have sometimes thought not fully appreciated, as he richly deserved to be. A purer man never lived in Indiana. He was a native of Tennessee, and was a student of Hugh Lawson White, who spoke to me in the highest terms of the General after he came to this State. In person the General was tall and commanding, his complexion dark, and his hair and eyes coal black. His voice was strong but not musical. As a lawyer he deservedly stood high—among the very first. As a politician he was the leader of the Democratic party of the State, loved and honored. He left his seat in Congress, as he told me at the time, with great regret, at the command of his party, to make the race in 1840, with Gov. Bigger. The popularity of Gen. Harrison was irresistible.

Mr. Van Buren was no where, and Gen. Howard fell with him. He afterward was sent as minister to Texas, fell a victim to a contagious disease, and closed his valuable life before the sun of his usefulness had reached mid-day. His body was brought to the Capitol on its way to its last resting-place ; I discharged the melancholy duty of drawing up and presenting to the courts, the proceedings of the bar of the Supreme Court on the affecting occasion. He sleeps in the family vault at Rockville, Parke county.

[Thursday Morning, September 24, 1857.

TRAVELING THE CIRCUIT IN EARLY TIMES.

The fall term of the Circuit Courts, 1825, found Judge Eggleston and myself well mounted, once more on the Circuit. The Judge upon his pacing Indian pony, the same that I afterward rode through an electioneering Congressional campaign; I then rode my gray "fox." We were joined at Centerville by James Rariden, mounted on "Old Gray," one of the finest animals I have ever seen. Our Court was to be held on the next Monday at Fort Wayne. We reached Winchester late in the evening and took lodgings at the hotel of Paul W. Way, but no newspaper heralded the arrival. How different was a circumstance that occurred when I was in the Senate of the United States. Silas Wright, Thomas H. Benton and James Buchanan, for recreation, ran up to Philadelphia; the next day the Pennsylvanian announced that Senators Benton and Buchanan had arrived in that city and taken lodging at the United States Hotel. A few days after the three distinguished Senators were in their seats. I sat at the time in the next seat to Gov. Silas Wright; turning to the Gov., "I see by the papers that Mr. Benton and Mr. Buchanan have been in Philadelphia and taken lodgings at the United States Hotel; how did it happen that your name was not announced, as you were with them?" "I did not send *my* name to the printer." So it was with us.

After early breakfast we were once more upon our horses, with one hundred miles through the wilderness before us. There were two Indian paths that led to Fort Wayne, the one by chief Francis Godfroy's on the Salamonia river, the other in a more easterly direction, crossing the Mississenawa higher up and striking the "Quaker trace" from Richmond to Fort Wayne, south of the head waters of the Wabash river. After a moment's consultation, Mr. Rariden, who was our guide, turned the head of "Old Gray" to the eastern path, and off we started, at a brisk traveling gait in high spirits. The day passed away; it was very hot, and there was no water to be had for ourselves or horses. About one o'clock we came to the Wabash River, nearly dried up, but there was grass upon the bank for our horses, and we dismounted, took off the saddles, blankets and saddle-bags, when the question arose, should we hold the horses while they grazed, tie them to bushes, spancel them, or turn them loose? We agreed that the latter was the best for the horses and easiest for us, but I raised the question of safety, and brought up the old adage, "Safe bind safe find." Mr. Rariden.—"You could not drive Old Gray away from me." Judge Eggleston.—"My Indian pony will never leave me." I made no prom-

ises for my "Gray Fox." The bridles were taken off, and the horses turned loose to graze. A moment after, Old Gray stuck up his head, turned to the path we had just come, and bounded off at a full gallop swarming with flies, followed by the pacing pony of the Judge, at his highest speed. Fox lingered behind, but soon became infected with the bad example of his associates, and away they all went, leaving us sitting under the shade of a tree that stood for years afterward on the bank of the Wabash. Our horses were, a week afterward, taken up at Fort Defiance, in Ohio, and brought to us at Winchester on our return. It took us but a moment to decide what to do. Ten miles would take us to Thompson's on Townsend's Prairie. Our saddles and blankets were hung up above the reach of the wolves. Each took his saddle-bags on his back, and we started at a quick step—Rariden in the lead, Judge Eggleston in the center, and I brought up the rear. The heat was intense. None of us had been much used to walking. I am satisfied we must all have broken down, but most fortunately there had fallen the night before a light rain, and the water lay in the shade in the horse tracks. We were soon on our knees, with our mouths to the water.—Tell me not of your Croton, ye New Yorkers, nor of your Fairmount, ye Philadelphians, here was water "what *was* water." Near night we reached the prairie worn down with heat and fatigue. The thunders were roaring and the lightnings flashing from the black clouds in the west. A storm was coming up on the wings of a hurricane, and ten minutes after we arrived at Mr. Thompson's it broke upon us in all its fury, and continued raining in torrents during the night. We were in a low, one story log cabin, about twenty feet square, no floor above, with a clapboard roof. Supper, to us dinner, was soon ready. Three articles of diet only on the plain walnut table, corn-dodgers, boiled squirrels, and sassafras tea.—Epicures at the 5 o'clock table of the Astor, St. Nicholas, Metropolitan and Revere, how do you like the bill of fare? To us it was sumptuous and thankfully received. Supper over, we soon turned in, and such a night of sweet sleep I never had before or since. The next morning our saddles and blankets were brought to us from the Wabash. The landlord provided us with ponies and we set forward at full speed, arrived at Fort Wayne that night, and took lodgings at the hotel of William N. Hood. In the morning court met, Judge Eggleston, President, and side judges, Thompson and Cushman on the bench. Fort Wayne contained about two hundred inhabitants, and the county of Allen some fifty voters. There were no cases on the docket to try of a criminal character. Court adjourned early, and we all went up the St. Mary river, to Chief Richardville's to see an Indian horse race.

AN INDIAN HORSE RACE AND A WISE DECISION.

The nags were brought to the ground, a gray pony, about twelve hands high, and a roan, rather larger, like Eclipse and Henry, to contest the superiority of stock between the bands of Miamis and Pottawatamies. Six Indians were selected as judges—two placed at the starting point, two at the quarter stake, and two at the coming-out place. "Riders up—clear the track," and away they went under whip and spur. The race over, the judges meet, the spokesman, a large Miami, says "Race even, Miami grey take first quarter, Pottawatamie roan take last quarter," and all are satisfied. In the evening the grand-jury brought in a bill against Elisha B. Harris for stealing an Indian pony. Judge Eggleston.—"Any more business before you, Mr. Foreman?" Gen. Tipton.—"None sir." "You are discharged."

CIRCUMSTANTIAL EVIDENCE.

Judge Eggleston.—"There is but one case on the docket for trial, an appeal case, damages claimed five dollars. I feel quite tired, and will be obliged to my associates to try the case." Judge Cushman.—"Certainly." The case was called. Henry Cooper for the plaintiff, and Hiram Brown for the defendant. Case submitted to the Court. The action was for damages, five dollars claimed, for killing the plaintiff's dog. The witness swore that he saw the defendant running with his rifle across his yard; saw him lay it on the fence; saw the smoke; heard the crack; saw the dog fall; went to where the dog lay, and saw the bullet-hole just behind the fore leg. Here Cooper rested with a triumphant air, and indeed, to a common eye, the case seemed to be beyond hope, but to the mind of the skillful advocate, capable of drawing the distinction between positive and circumstantial evidence, a different conclusion was come to.—Breckenridge's Miscellanies, and Phillips' Evidence, stating the danger of listening to circumstantial evidence, and enumerating many lamentable cases of convictions and executions for murder upon circumstantial evidence, when the convicts were afterward proved to be entirely innocent, had been widely circulated and extensively read by courts and lawyers until the tendency of the courts was to reject circumstantial evidence. My friend Mr. Brown, an ingenious attorney, of fine talents, and, by the way, rather waggish, said: "A single question, Mr. Witness—Can you swear that you saw the bullet hit the dog!" "I can swear to no such thing." "That's all, Mr. Cooper; a case of mere circumstantial evidence, your Honors." Cooper's countenance fell; defeat stared him in

the face; the case was submitted to the Court without further evidence. Judge Cushman.—"This is a plain case of *circumstantial* evidence. Judgment for the defendant." Cooper, with great indignation, with his eye upon Brown:—"When I die I wish it engraved upon my tombstone, here lies Henry Cooper—an honest man." Brown, rising as quick as thought:—"Pope says an honest man is the noblest work of God. There have been Atheists in the world—Bolingbroke of England, Voltaire of France, and Tom Paine of America, with a host of other infidel writers who may be named: they have all done nothing against the Almighty. But let Henry Cooper be held up in the mid heavens, by an angel, for the whole race of man to look upon; and let Gabriel, with his trumpet, announce to gazing worlds, *this is God's noblest work*, and all the human race would become Atheists in a day." We returned to Winchester on our borrowed ponies, took our horses that had been brought from Defiance, and reached the Wayne Circuit Court in good time.

[Friday Morning, September 25, 1857.

BALL ROOM MUSIC IN EARLY TIMES.

In the early part of the winter of 1818, in the midst of a snow storm I arrived at Lawrenceburgh from Rising Sun, where I had lived from the time I had come to the State in 1817. The evening after my arrival, General Dill, Clerk of the Circuit Court, was to have a party at his house, and had promised fine music for the occasion. I was favored with an invitation. I started early from the hotel. Before I had got within a square of the house of the General the fife and drum were distinctly heard in that direction. Stepping up to the door I knocked several times but got no answer. Entering the main hall I saw upon the platform of the stairs the musicians, one playing the fife, one beating on the small drum, and the other on a huge bass drum with all their might, making as much noise as if they had been at the head of the army at the battle of Germantown, the General and Captain Vance marching to the music. The General told me afterward that it was as fine music as he ever heard. I was introduced that evening to Capt. Samuel C. Vance and Gen. Harrison. Gen. Dill and Gen. Harrison were warm friends. They had both acted as aids to General Anthony Wayne in the Indian Wars in Pennsylvania.

DISTINGUISHED PIONEERS.

Capt. Vance held his first commission in the Army from General Washington, was in many hard fought battles, the "bravest of the brave," was present in the midst of St. Clair's defeat, fought with Gen. Anthony Wayne in his campaigns against the Indians, and afterward commanded Fort Washington. The war over, Captain Vance returned to civil life, married Miss Lawrence, a grand-daughter of General St. Clair, became proprietor of Lawrenceburgh and named the town for his wife. The person of Capt. Vance was tall and commanding, his face large, his nose of the Roman cast, his eye light, his hair sandy, with a cue hanging down his back, his forehead high and slightly retreating: his nature was frank, noble, magnanimous and generous. He was the father of Lawrence M. Vance, of Indianapolis. Capt. Vance died years since, honored and respected by all who knew him.

General James Dill was my preceptor. He was frank and open in his intercourse with others, about the common hight, wore a long cue, dressed with taste, features good, eyelids heavy, hair thrown

back in front. The General married a daughter of Gen. St. Clair, was many years Secretary of the Senate, and Clerk of the Dearborn Circuit Court. The General has long since left us.

Of General Harrison I will speak in his proper connection.

About the same time I became acquainted with Judge Isaac Dunn, of Lawrenceburgh, a native of New Jersey, one of the prominent men of the State. The Judge was Speaker of the House of Representatives, and many years Associate Judge of the Dearborn Circuit Court. He married a sister of John H. Piatt, of Cincinnati. Judge Dunn was one of the most energetic men the State ever had in it, good common sense, clear intellect and sound judgment, with a pure moral and religious character. He still enjoys a green old age.

Judge John Watts, another of the pioneers of Indiana, I must number with my early friends. Judge Watts was a Baptist preacher. His person was large and fleshy. He was the predecessor of Judge Eggleston on the circuit bench; was plain in his dress and manners, of a strong, clear mind, hospitable and liberal, friendly to all, and always courteous to the bar. He was the father of Col. Johnson Watts, of Dearborn, and Judge John S. Watts, of New Mexico. Judge Watts has years since gone to his reward, beloved by all who knew him.

Morris Morris, of Indianapolis, was one of the prominent early emigrants from Kentucky, that settled in the woods where the Capital now stands. The first time the court was held at Indianapolis, I became acquainted with Mr. Morris, then residing in a small cabin on Pogue's Run. In person Mr. Morris was tall, over six feet high, fine form, dark complexion, good eye, fine features. Mr. Morris was many years Auditor of State, and discharged the duties with great fidelity. He was an ardent Methodist, and his door was ever hospitably open to the itinerant ministers who called upon him. Mr. Morris is the father of Austin W. Morris, Col. Thomas A. Morris, and John Morris, of Indianapolis. He still lives. I saw him yesterday, venerable and aged, trembling, as it were, on the brink of the grave.

Let me not forget my early friend, Colonel Thomas H. Blake, whose residence in Indiana dated back to the territory. Col. Blake came to Indiana from Washington City, where his father was at one time mayor. The Col. held the offices of Judge of the Circuit Court, Representative in Congress, colleague of mine, Commissioner of the General Land Office, in all of which he most faithfully discharged his duty. The person of Col. Blake was fine, very fine, of the first class mold; six feet high, straight as an arrow, head erect, grace in every movement, intelligence beaming from his countenance, a smile on

his face, and a warm grasp of the hand. In the whole range of my personal acquaintances I never knew a more perfect gentleman, nor a man of a higher sense of honor. The Col. died comparatively a young man.

JONATHAN JOHN, of Connersville, can not be forgotten. He was one of my early cherished friends. A word to his memory. Mr. John was an early settler, a noble Kentuckian, honest, frank, kind, sincere, a good farmer, his house a welcome home to all who sought it. He was the intimate friend of John Conner, the proprietor of the town. Mr. John died years ago; for his kindness to me, I sketch this short tribute to his memory.

JOHN CONNER, the proprietor of Connersville, was one of Nature's strong men. Taken by the Shawnee Indians when a mere youth, he was raised and educated in Indian life, language, and manners. When dressed in their costume, and painted, it was difficult to distinguish him from a real savage. On one occasion, as he told me, he came to Andersontown, then the lodge of a large band of Indians, under Chief Anderson. He was dressed and painted as a Shawnee, and pretended to be a Representative of Tecumseh. As is usual with the Indians, he took his seat on a log barely in sight of the Indian encampment, quietly smoked his pipe, waiting the action of Anderson and his under chiefs. After an hour he saw approaching the old chief himself, in full dress, smoking his pipe. I give his language. "As the old chief walked up to me I rose from my seat, looked him in the eyes, we exchanged pipes, and walked down to the lodge smoking, without a word. I was pointed to a bear skin—took my seat, with my back to the chiefs. A few minutes after, I noticed an Indian by the name of Gillaway, who knew me well, eyeing me closely. I tried to evade his glance, when he bawled out in the Indian language, at the top of his voice, interpreted, 'You great Shawnee Indian, you John Conner.' The next moment the camp was in a perfect roar of laughter. Chief Anderson ran up to me, throwing off his dignity. 'You great Representative of Tecumseh,' and burst out in a loud laugh." Mr. Conner was an active, prominent, honest man, represented his county in the Senate, and gave the casting vote in favor of the ballot system of voting. He was father of William W. Conner, of Hamilton county. He long since departed this life.

His brother WILLIAM CONNER was taken and educated by the Indians at the same time—was intimately acquainted with the great Shawnee chief, Tecumseh. He spoke the language of many of the tribes, acted as interpreter at several treaties, was with General Harrison at Fort Meigs, marched up the Maumee with the army, was in

the battle of the Thames, and was the first man that recognized the dead Tecumseh on the battle-field, after the action. I have often heard him tell the story of the battle. To the question, "who killed Tecumseh?" his answer invariably was, "General Harrison and Col. Johnson, the commanders; no one ever knew who fired the gun that killed him." This, I have no doubt, was the truth. Col. Johnson, in my presence, always avoided the question, and I have yet to learn from any reliable source that he ever said he shot the Shawnee chief, in person. William Conner, like his brother John, was a man of great good sense, of indomitable energy in early life. He was many years a Representative in the Legislature from Hamilton, of strict integrity and high honor. He was the father of Richard J. Conner, and Alexander H. Conner, of Indianapolis. Mr. Conner died a few years since at an advanced age, highly respected by his numerous acquaintances.

Judge William Helm, of Fayette, was another of the first settlers of the Whitewater Valley. I class him among my most valued early friends. The Judge was a Kentuckian, deeply imbued with the hospitality of his countrymen. He was a strong and a good man. The Judge was many years on the circuit bench of his county; his judgment was sound, and his integrity above question. He was the father of Meredith Helm, of Fayette, Dr. Jefferson Helm, of Rush, and Robert D. Helm, of Wabash. The Judge long since departed this life.

With these brief charcoal sketches of individuals, I must ask the reader to excuse me from noticing others. My space will not permit me to extend them, as I design hereafter to sketch scenes and persons of more general interest.

[Saturday Morning, September 26, 1857.

"ACCIDENTS BY FLOOD AND FIELD."

In the winter of 1824–5, after the conviction of Hudson, the Legislature attached the county of Madison to the Third Judicial Circuit, making it the duty of Judge Eggleston to preside, and of myself to prosecute the other prisoners — Sawyer, Bridge, Sen., and Bridge, Jr., at Fall Creek. I was notified that Gen. James Noble and Phillips Sweetzer would assist me in the trials. Col. John Johnston, the Indian Agent was to be there, with funds to pay the witnesses and counsel for the State, as he had done upon the former trial with Gen. Noble and Mr. Sweetzer. The Court was to meet the next Monday. On Thursday morning, I mounted young "Grey Fox." The only traveled route between Connersville and the falls of Fall Creek was then by Indianapolis, a small village in the woods. I arrived at the Capital on Saturday night, and early next morning started alone on the path that led up Fall Creek, on the east side. The main track lay on the west side; but the water was high and muddy, and I thought it safest to go up on the east side without crossing. There were no bridges over any of the streams in that day.

The day was dark and drizzling. My path ended some ten miles above Indianapolis, in a thicket. I could get no further in that direction. Turning the head of Fox, west, the creek with its muddy waters and rapid currents overflowing the opposite bottoms was soon in sight. I had twenty miles to ride, and no time to be lost. Giving Fox the rein he approached the bank, and without a moment's hesitation, with a quick step, plunged in, and swam beautifully across the main channel; but the moment he struck the overflowed bottom on the opposite side — the water about four feet deep — he began to sink and plunge. The girth broke. I seized the stirrup leather, to which my saddle-bags were fastened, with one hand, the long mane of Fox with the other, disengaged my feet in a moment, and was gallantly dragged through the mud and water to the dry land. My hat was gone, but it was too early in the season for mosquitoes, and it made little difference, hat or no hat, so that I got to court. I had no mirror with me, or I might have been reminded of the description of Ovid, as the waters resettled and the earth arose from the flood:

> "Nature beheld herself and stood aghast—
> A silent desert and a dismal waste."

All matters were soon adjusted. Fox bounded on as light as a reindeer, and before dark I was in lively conversation with the other lawyers, before the large log fire at the hotel of Mr. Long.

TRIAL OF SAWYER.

MONDAY morning came. Court met. Judge Eggleston, in fine health, on the bench in the center; Adam Winchel on his left and Samuel Holliday on his right. Moses Cox at the clerk's desk; Samuel Cory on the sheriff's platform; and Col. John Berry captain of the guard, leaning against the logs. The grand-jury were called, sworn and charged, and Court adjourned for dinner. In the afternoon, the evidence of the main witnesses was heard. I had prepared the indictments in my office and had them with me. The foreman signed the bills on his knee, and they were all returned into court before the adjournment. That night, Col. John Johnston, the Indian Agent, called at my room and offered me 100 dollars on behalf of the United States. I informed him that I was a State officer and could not accept the money; however tempting it might be under other circumstances.

The Court met in the morning. We agreed to try Sawyer first, for shooting one of the squaws. The prisoner was brought into court by the sheriff. He appeared so haggard and changed by his long confinement, that I scarcely knew him. The court-room was crowded. Gen. James Noble, Phillips Sweetzer and myself for the State; James Rariden, Lot Bloomfield, William R. Morris and Charles H. Test for the prisoner. Judge Eggleston.—"Sheriff, call the petit-jury." Judge Winchel.—"Sheriff, call Squire Makepeace on the jury, he will be a good juror; he will not let one of these murderers get away." Judge Eggleston, turning to Judge Winchel, "This will never do. *What*, the Court pack a jury to try a capital case?" The jury was soon impanneled. The evidence was conclusive that the prisoner had shot one of the squaws at the camp with his rifle, after the killing of Ludlow and Mingo by Harper and Hudson in the woods.—The jury were a hardy, heavy-bearded set of men, with side-knives in their belts, and not a pair of shoes among the whole of them; all wore moccasins. Mr. Sweetzer opened for the State, with a strong matter-of-fact speech; that was his forte. He was followed in able speeches by Mr. Morris, Mr. Test and Mr. Rariden for the prisoner. Gen. Noble closed for the prosecution, with a powerful speech. The General was one of the strongest and most effective speakers before a jury, or a promiscuous assembly, I have ever heard. The case went to the jury under an able charge from Judge Eggleston and Court adjourned for dinner.

At the meeting of the Court in the afternoon, the jury returned a verdict of "guilty of manslaughter," two years at hard labor in the penitentiary. Mr. Rariden sprang to his feet, "If the Court please, we let judgment go on the verdict, and are ready for the case of Sawyer, for killing the Indian boy at the camp." "Ready for the State."

The same jury were accepted by both sides — being in the box. They were immediately sworn. The evidence was heard, again conclusive against the prisoner. Gen. Noble opened for the prosecution, and was followed by Charles H. Test, William R. Morris and James Rariden, with powerful speeches. The jury were referred to their verdict in the previous case, and their judgment was warmly eulogized. This was, by arrangement, my case to close. I saw my position, and that the only point I had to meet, was to draw the distinction between the two cases, so as to justify the jury in finding a verdict for manslaughter in the one case, and of murder in the case before them. In law there was no difference whatever. They were both cold-blooded murders. The calico shirt of the murdered boy, stained with blood, lay upon the table. I was closing a speech of an hour. Stepping forward, I took up the bloody shirt, and holding it up to the jury, "Yes, gentlemen of the jury, the cases are very different. You might find the prisoner guilty of only manslaughter, in using his rifle on a grown squaw; that was the act of a man, but this was the act of a demon. Look at this shirt, gentlemen, with the bloody stains upon it; this was a poor helpless boy, who was taken by the heels by this fiend in human shape, and his brains knocked out against a log! If the other case was manslaughter, is not this murder?" The eyes of the jury were filled with tears. Judge Eggleston gave a clear and able charge upon the law. The jury, after an absence of only a few minutes, returned a verdict of "murder in the first degree." The prisoner was remanded, and Court adjourned.

TRIAL OF BRIDGE—SCENES AT THE EXECUTION

The next morning, the case of Bridge, Sen., for shooting a little Indian girl at the camp, was called. The prisoner entered with the sheriff. He was more firm in his step, and looked better than Sawyer, though a much older man. A jury was impanneled. The proof was positive. The case was argued by Mr. Morris and Mr. Rariden for the prisoner, and Mr. Sweetzer and myself for the State. The charge was given by Judge Eggleston, and after a few minutes absence, the jury returned a verdict of "murder in the first degree." The only remaining case — of the stripling, Bridge, Jr., for the murder of the other Indian boy at the camp — came on next. The trial was more brief, but the result was the same — verdict of murder in the first degree, with a recommendation, however, to the Governor for a pardon, in consequence of his youth, in which the Court and Bar joined. The trials closed. *Pro forma* motions for new trials were overruled,

the prisoners remanded, to be brought up for sentence next morning, and the Court adjourned.

Morning came, and with it a crowded court-house. As I walked from the tavern, I saw the guard approaching with Sawyer, Bridge, Sen., and Bridge, Jr., with downcast eyes and tottering steps, in their midst. The prisoners entered the court-room and were seated. The sheriff commanded silence. The prisoners rose, the tears streaming down their faces, and their groans and sighs filling the court-room. I fixed my eyes upon Judge Eggleston. I had heard him pronounce sentence of death on Fuller, for the murder of Warren, and upon Fields for the murder of Murphy. But here was a still more solemn scene. An aged father, his favorite son and his wife's brother — all standing before him, to receive sentence of death. The face of the Judge was pale; his lips quivered; his tongue faltered, as he addressed the prisoners. The sentence of death by hanging was pronounced, but the usual conclusion, "And may God have mercy on your souls," was left struggling for utterance.

The time for the execution was fixed at a distant day; but it soon rolled around. The gallows was erected on the north bank of Fall Creek, just above the falls, at the foot of the rising grounds you may see from the cars. The hour for the execution had come. Thousands surrounded the gallows. A Seneca chief with his warriors, was posted near the brow of the hill. Sawyer and Bridge, Sen. ascended the scaffold together, were executed in quick succession, and died without a struggle. The vast audience were in tears. The exclamation of the Senecas was interpreted — "We are satisfied." An hour expired. The bodies were taken down and laid in their coffins, when there was seen ascending the scaffold, Bridge, Jr., the last of the convicts. His step was feeble, requiring the aid of the sheriff. — The rope was adjusted. He threw his eyes around upon the audience, and then down upon the coffins, where lay exposed the bodies of his father and uncle. From that moment, his wild gaze too clearly showed that the scene had been too much for his youthful mind. Reason had partially left her throne, and he stood wildly looking at the crowd, apparently unconscious of his position. The last minute had come, when James Brown Ray, the Governor of the State, announced to the immense assemblage that the convict was pardoned. Never before did an audience more heartily respond, while there was a universal regret that the executive mercy had been deferred to the last moment. — Thus ended the only trials, where convictions of murder were ever had, followed by the execution of white men, for killing Indians, in the United States.

[Indianapolis Daily Journal.

HUSBAND AND WIFE--SKETCH OF THE SPEECH OF HON. OLIVER H. SMITH.

We give a brief sketch of the speech of the Hon. Oliver H. Smith in a recent divorce case in this city:

"The distinguished gentleman from New York, Matthew Hale Smith, who opened this case for the plaintiff, in an able argument, spoke of the Garden of Eden, a most unfortunate allusion on his part. Yes, gentlemen of the jury, there was a Garden of Eden, the paradise of God on earth, created by him, to receive the parents of the human family. You who have seen the Panorama of the Bible lately exhibited in this city, can have a very imperfect vision of its grandeur and sublimity. Our first parents were placed in this garden by the hands of the Almighty, as pure as himself, were declared to be husband and wife, and as such, one flesh. There were no human priests there to solemnize the marriage, no altars erected before which to consecrate the relations of husband and wife; that holy relation, with all its train of blessings to the human family, was created by the Almighty, and marked divine. Among the trees of that paradise there stood one, more prominent to the eye than any other, called the tree of the knowledge of good and evil, the fruit of which our first parents were forbidden to eat, with the declaration of God, 'that the day thou eatest thereof thou shalt surely die.' This tree and its fruit I liken to the relation between husband and wife; they who shall seduce either the one or the other, to violate the sacred marriage vow, shall surely die.

"Our parents, so placed in the garden, were content and happy, and knew no evil. The Almighty walked with and watched over them. They were not only in his own image, but they were a personification upon earth of his purity, honor and glory. Still, not like him, they were mortal, subject to temptation, and to fall from that high estate of purity in which they were created. Direct your mind's eye to the moving canvas of the panorama, look at the serpent, stretching his length around the trunk of the forbidden tree, and protruding his accursed head from the branches, with the fruit of the tree in his mouth, offering it to Eve, while he quiets her fears by sounding in her ears—'Thou shalt not surely die.' We see no more of the serpent, but Adam and Eve hid themselves among the trees of the garden when the voice of God walked therein in the cool of the day. I need not speak of the penalty that was entailed upon the human

race; but the serpent was accursed by the Almighty above all the beasts of the field, and condemned to go upon his belly, and to eat dust all the days of his life. Such is the Bible account of the first transgression. Yes, gentlemen of the jury, there was a serpent; a seducer, there, to interfere with the happiness of our first parents; and there is a serpent here, who has dared to intrude upon the holy relations of husband and wife.

The difference between the location of the Paradise of the Scriptures and that of these parties can not change the nature of the transgression. That garden was planted, watered, protected, and cherished by the Almighty himself. The garden in which these parties were domiciled was the City of Washington, inhabited and visited by the upper crust of society, where perhaps the moral sense, though greatly higher than that of the Court of Lewis the XIV. of France, or Charles the II. of England, is not at that high and pure standard that should commend itself to our highest approbation. The Eve of the garden of God, after she had transgressed, hid herself from the eye of the Almighty; while the Eve of this garden comes unblushingly into court, and meets the gaze of a crowded house. The serpent of the Bible went away from the scene of his seduction, upon his belly, eating the dust of the earth; and his progeny, to this day, continue to drag their slimy bodies upon their bellies, under the curse of both God and man, while this serpent has the effrontery to present himself upon the witness-stand—a living monument of his own disgrace, and of the ruin of a once happy family. The serpent of the Bible obtruded himself into the presence of our parents, while the serpent of our garden was introduced by a confiding husband to a then innocent wife.

What shall I say of the seducer, under such circumstances? Who shall I compare him with? Tell me not of the highway robber! Tell me not of the midnight assassin!—of the fiend that administers the poisoned cup. They but rob us of some money, or of a few years of life. They leave the character untouched, to be cherished and honored by our friends.

The family relations—the holy relation of husband and wife, are the greatest blessings that were ever conferred upon man by the Almighty, and whoever attempts to violate them, commits a crime against the most sacred of all the institutions of God upon earth, and may read his fate in that of the serpent in the garden. I have often thought of the beautiful idea of Phillips, the Irish orator, when speaking of the state of mind of the disconsolate husband, after the serpent had entered, and alienated the affections of the wife: the orator said, "The silent doors on their hinges were eloquent of his woe."

I read only this morning in a city paper an extract from a speech of the Hon. Rufus Choate, of Boston, on flirtation. I know Mr. Choate well, he is one of the most eloquent men of this or any other country. I read the sketch of his speech, and while I was delighted with his style, I could not but feel that it was but the effort of a brilliant mind struggling with truth. He, too, was dealing with the holy relation of husband and wife, and his great effort was to prove that there may be flirtation without crime, but even in that he had to admit that crime is the general rule, and flirtation without crime the exception—that the one as a general rule is the premonitory symptom of the other. But Mr. Choate seemed to forget that the premonitory symptom, flirtation, is equally effectual to poison and destroy the tender tie that unites husband and wife, if continued against the wishes and request of either, as is the consummation of the crime. Shakspeare says, "I would rather be a toad and live upon the vapors of a dungeon, than keep a corner in the thing I love for others uses."

I am told by the gentleman, as an excuse, that his client has a kind of universal love for all mankind. I suppose he means the kind of love that the rays of the sun bear to this globe, warming and fructifying the whole vegetable kingdom, not even forgetting or neglecting the polar seas. If so, I have only to add to the figure,—and holding in her hand the sun-glass, concentrating her universal love upon the serpent in our garden, whom she had permitted to destroy the relation of husband and wife between those who were once happy in the enjoyment of its blessings.

But it is said that these parties have been protected from criminal improprieties by the presence of the aged mother of one of them. Vain delusion! Virtue in proper places needs no protection, while vice can not be watched where the will concurs with the consummation of crime in secret places.

We learn from heathen mythology that Jupiter was enamored of the princess whom to escape the jealousy of Juno, he changed into a heifer. Juno set Argus with his hundred eyes to watch her, two of which were to keep awake and constantly to stand guard while the other slept by turns. Mercury, by direction of Jupiter, by the music of his lyre lulled Argus to sleep and slew him; Juno to reward his services while living, and as a memento of his fidelity, transferred his eyes to the Peacock's train, and forever after gave up the delusion, that willing vice could be watched and guarded by tardy virtue.

Gentlemen, the human passions were given to man for wise and holy purposes, and so long as they are kept under his virtuous will and control, and directed to the purposes designed by the Almighty,

they are a blessing to him and tend to his happiness on Earth. But when they are suffered to run riot, govern and control his being, they become the greatest curse that can meet him in his journey through life. Such a man may be likened to one of our majestic steamers, crowded with passengers, crossing the Atlantic. She is built with all the modern improvements; her cabin a beautiful moving palace; her engines have the necessary power to propel her through the mountain waves like a bird of passage; the steam is up; the officers and crew upon duty; the passengers seated by the cabin fires; all is joy, hilarity and good feeling. But hark!—The cry of fire is heard from the lower deck. All start as if the knell of death had sounded. They rush above; all is confusion there; dismay and despair are depicted in every countenance. The noble ship is on fire! That dreadful element is no longer the servant of officers and crew, but now in turn has become master. What shall be done? Escape from the burning vessel is the only hope. The life boats are lowered, filled and foundered the moment they meet the waves, and those who had taken refuge in them are all consigned to an ocean grave. And still the fire rages, the vessel is enveloped in flames; she is soon consumed to the surface of the briny deep, and lies a blackened hulk, or sinks into the abyss below, carrying with her the charred remains of all on board. That most useful element, fire, had violated the object of its creation and use, and destroyed the magnificent steamer with all her passengers and crew within the time that it has taken me to describe the thrilling calamity.

This, gentlemen, is but a faint resemblance of the dreadful consequences of permitting our passions to become our masters. Having said thus much, preliminary to the argument of the facts of the case, I will relieve you for the present and direct your minds to the application of what I have said, to the case before you.

[Monday Morning, September 28, 1857.

LAW PRACTICE.

I yield this sketch, at the request of my young friends, to the legal profession. With some preparatory study, and thirty-seven years practice in the courts of the State and of the United States, it may be presumed that the subject I touch is somewhat familiar to me, and, as the title of the sketches indicate that they are more or less directed to the bar, this will be considered as appropriate. The profession of the law is of high import and of great responsibility, involving more for deep reflection and mature consideration before it is entered into than any other. Why is it that so many of the profession fall by the wayside? Why so many hangers-on to the skirts of the profession? Why so many who never reach a medium position at the bar? Why so few who acquire wealth and fame in the profession? These are important questions, in which the young man designing to make the law his profession—the father who thinks of the profession for his son—the young professional man, and even the more aged practitioner, is more or less interested.

It is not generally understood that the profession of the law is one of the most laborious that man was ever engaged in; that the proper preparation of the body and mind for eminent success is found only in the few, and whenever found with the proper habits, integrity, and industry, success will as certainly follow as that effect will follow cause. There never was a greater error, in fact, than that committed by devoted parents when selecting professions for their sons. The most feeble, the tenderest, and those who are supposed to be unable to struggle physically with the out-door labors of other professions, trades, occupations and businesses, are consigned to the seclusion of a professional office. My experience and observation teaches me that all such should be directed in their youth to some active out-door employment, trade or avocation, giving constant exercise to the body and mind. The student-at-law can not have too firm a constitution; his chest and lungs can not be too much expanded; his voice can not be too clear and strong; nor his health too good. If he practices the profession only half as long as I have, he will find that he will have use for all the bodily qualifications I have named.

Good common sense is essential. It is the foundation upon which the superstructure of education must rest. And if it is defective, you may build the superstructure to the skies, and it will crumble and fall. If nature has not done her part to make the lawyer, in vain will he struggle, to sink at last into some other profession or avocation which

nature has designed him for. The student should have a good, sound English education; he should spell well, read well, and write well, and understand the principles of arithmetic and English grammar. The higher branches may be added, but I do not hold that in this country a knowledge of the dead languages, and a familiarity with the classics is essential to the student, nor even to his success as a practitioner, although I do not object to their study where a favorable opportunity has been afforded.—But I do mean to say that I have known many graduates of colleges who were so deficient in the English department of their education as to be disqualified for students in my office. A fine-looking young man called upon me one day, desiring to study law with me. I inquired of him as to his education. "I am a graduate of an Eastern college; I understand Latin, Greek and Hebrew; I stood No. 2 in a large class of graduates." "Do you spell well?" "I presume so, but I never thought much of that." "Spell balance." "Bal-lance." "That won't do. Do you read well?" "Certainly." "Read this." "My name is Norval *on* the Grampian hills." "What was his name *off* the Grampian hills?—Do you write well?" "No, I never could write much; indeed I never tried to learn. Our great men East can scarcely write their names so that they can be read." "Let me see you write." He scratched off some caricatures looking like Greek, or turkey tracks. "That is sufficient; your education is too imperfect for a lawyer; the dead languages may be dispensed with, but spelling, reading and writing can not be." I advised him to go to one of our common schools and begin his education over again, and he might yet qualify himself for the study of law.

The license or diplomas to practice obtained is the test time in the whole of the young lawyer's career. If he thinks that the license qualifies him, that his studies are ended, that he can then indulge his ease upon his cushioned sofa, smoke his scented cigars, cultivate his whiskers and mustaches, drive his fine horses, give his wine parties, spend his nights at the card-table, and still become eminent in his profession, he will be disappointed in the end. His license will prove his curse, and he will sink to his grave unnoticed and unknown as a lawyer. On the contrary, if he views the matter in the proper light, that his license is only intended to authorize him to unite the study of the books with the practice of his profession, that he is just entering upon his studies that are never to end but with his life, that he will be every day better and better qualified to read and understand, he may with proper habits and perseverance rise high in his profession. After thirty-seven years of reading and practice, I feel that I am, as it were, just beginning to learn my profession.

The student will learn as he enters the courts, and begins to try his cases, that the learning of the books alone will not sustain him, without a knowledge of the world of men and things. He will have occasion every day to draw upon outside knowledge, and to bring to bear the circumstances that surround him, upon the cause of his client. He should come to his case thoroughly prepared with the facts and the law, as both Court and jury are ignorant of his case. He should be ready to place it fairly and truly before them. To do this his library should be looked to as to the law, and his client should be examined and cross-examined as to the facts, and then held responsible if he should have stated them too favorably to himself, as too many will do. The lawyer should maintain the strictest integrity, and the nicest sense of honor. His character is his capital. No personal security is required of him by the public. His faith, his honor stand pledged, and if once violated, he is bankrupt, and his profession only points to his disgrace.

A young lawyer has it in his power to surround himself with friends, or to cut himself off from the sympathy of his brethren. If in his intercourse, his arguments, his competitions, with the other members of the bar, he treats them with the respect and kindness he would like them to observe toward him, it will be reciprocated, and his practice will pass smoothly and pleasantly on. The golden rule applies with great force to the bar. The members are perhaps too sensitive, always ready to repel supposed aggression, and frequently disposed to carry the war further than the occasion warrants. But let the practitioner assume the character of the hyena, and he will always find that there are lions and tigers in the menagerie as well as those of his species.

The great point to be considered before impanneling the jury is to make up the true issue, to try the merits of your case, to which your evidence is applicable, so as to give your client the full benefit of his cause of action, and defense. The right of challenge of jurors for cause will of course be seen to by the practitioner. The peremptory challenge, although a valuable right, should be exercised with great caution. In one case my client went to the penitentiary because I peremptorily challenged the only juror that knew the prosecuting witness, and who would have saved my client, who was afterward clearly shown to be innocent.—I challenged the juror because I thought he did not like me. I had argued a case against him. At another time I had taken the jurors; they were standing up to be sworn, when I saw one of them wink at the opposite party. I challenged him, and learned afterward that I had saved the case of my client by it.

In questioning and cross-questioning witnesses, counsel frequently do great injustice to the witness, without in the least benefiting their

cause. The jury is composed of men in all respects like the witness, and if his character stands unimpeached, they are disposed to give him credit for a disposition to tell the truth, unless they see his position or motives would lead him to side with one of the parties. A lawyer inconsiderately looks upon the witness sworn on the side of his adversary as hostile to his client, and attacks him in manner, voice, and with a thousand useless questions, plainly showing to the jury the state of the mind of the lawyer, to the prejudice of the cause of the client. As a general rule there are too many questions asked the witness, depending upon the clearness or obscurity of the legal vision of the attorney. He who sees his case clearly can put his questions to the witness so as to come directly to the point in issue. I have known many cases lost by counsel cross-questioning their own witnesses after the case was made out. In criminal cases, resting on circumstantial evidence, I have never found it difficult to point to the real criminal wherever presence, motive, and opportunity combine. In the absence of stronger outside proof, I fix the criminal. The murder of Dr. Burdell, in New York, although, in the eye of many for a time, a mystery, never looked so to me. I fixed the crime upon those who had the opportunity and the motive. Mrs. Cunningham was there. Mr. Eckel was there. Dr. Burdell was a single man and rich. Mrs. Cunningham, a widow without reputation, pretending to have married Dr. Burdell secretly, would be entitled, if his wife, to a widow's share of his estate upon his death. The "presence" was there, the "motive" was there, and there was no outside circumstance to rebut the violent presumption that Eckel was the tool of Mrs. Cunningham, to personate Dr. Burdell at the pretended marriage, and to murder him on the fatal night in Bond street. Such, I believe, is now the universal opinion. The pretended marriage has been declared by the court fraudulent. The procured heir has been returned to its mother, and the author of the crime is now in the tombs.

THOMAS H. BENTON.

Col. Benton has been so long identified with the history of the country, as a public man, a Senator and Author, that I will be excused for making this sketch brief, referring the reader to the published works of the Col. for the history of his public acts. To say that Col. Benton was among the first men in the nation is only what is universally conceded to him. I served in the Senate of the United States six years with him, and enjoyed his intimacy during my entire term. In person Col. Benton was large, and powerfully made, above the ordinary hight, deep expanded chest, broad square shoulders, large head, high prominent forehead, thin short whiskers, wide mouth, projecting chin, large nose, blue eyes well set, inclined to baldness, hair brown and thin on his head. As a speaker the Col. was strong, clear, forcible, imperative, seldom persuasive, never submissive, sometimes eloquent. He always spoke like a man conscious of his facts, and he was seldom or never mistaken, as he spoke with the documents before him, to which he often referred, and by which he would stand corrected, but in no other way. His iron will was indomitable, like all great men he succumbed to neither friend nor foe. Col. Benton was well qualified for a military commander. He scorned to play second to any man. He gave his opinions in debate frankly, openly and fearlessly, maintaining them with a firmness, sometimes called obstinacy, if he stood alone. On one occasion in Executive Session, Mr. Tyler had nominated a Democrat to a land-office, the nomination was announced. Col. Benton never whispered when he spoke from his chair but it was so loud that I could hear him on the opposite side of the chamber. Mr. Walker was soliciting the Col. to vote for the nominee, it was supposed that the vote would be close, the Whig Senators not being remarkably partial to Mr. Tyler's nominations just at that time. Col. Benton whispered "A Democrat, and the nominee of John Tyler, so much the worse, it is bad enough for Tyler to send us a Whig without qualifications, but to send us such a Democrat, is too bad." "I vote no." The nominee was rejected. The Col. constituted within himself his own dynasty. He was one of the most laborious men in the Senate, never idle, always writing with his books upon his desk, and his documents under his table. He seldom took part in the common debates, but as seldom permitted any important question to leave the Senate until he was heard. He never made a speech without documentary preparation, and always addressed the Senate fortified with the documents to sustain him. His printed speeches under his own supervision, wher ever they are, will be found stuffed with the proof to sustain his

positions. Unlike Mr. Calhoun, he was never satisfied with his own declamations merely, it was not enough for him to say "I say it is so." But "here are the documents to prove it." I always listened to the Col. with much interest. I thought him often very eloquent, still his was the eloquence that held the undivided attention of the Senate, but not of that exciting character that fills the galleries, and crowds the aisles with ladies. It has been said of Col. Benton, that he was on too good terms with himself; that may have been his fault, but if so, he shared it with the most of the other distinguished Senators. No Western man will ever doubt that Col. Benton was true as steel to Western interests; indeed, if he had that fault, it was not one for which I could censure him. He may have loved his own West but too well, a failing common to Western Senators. I must refer the reader to his own "Thirty Years" for his political views, and his speeches on the many subjects before the Senate, giving here an extract from one of them, merely to show the character of his mind, and style of his pen.

EXTRACT FROM A SPEECH OF MR. BENTON.

"To make this clear, it is necessary to refresh our minds with some recollections of the Mexican Revolution, a subject which has been referred to by the speakers in a manner which would seem to indicate great ignorance on their part. I know that many look at the events of *Iguala*, in February, 1821, as the beginning of the Revolution. Nonsense, Mr. President, that event was at the end of the Revolution, which had commenced eleven years before. It began on the 15th day of September, in the year 1810, and in the manner which had been foretold by Gen. (then Lieutenant) Pike, four years before. It began with the lower orders of the hierarchy, with the native clergy, all condemned to wear out their lives in curacies while the princely endowments of the great dioceses were bestowed upon exotics imported from old Spain. The Revolution began in this class, the native and the lower clergy, and never did popular movements have a more marked, a more imposing, a more grand, or a more auspicious commencement. It burst at once, without premonition, like a blazing comet on the view of the world. It was on Sunday, the 15th day of September, 1810, that the curate Hidalgo, in the village of Dolores, in the province of Guanaxauto, at the close of the celebration of the high mass and after having preached a sermon in favor of *Independence*, issued from the door of his parish church, the crucifix in his hand, the standard of revolt borne before him, and calling upon the children of Mexico to follow him; and never, since the days of Peter the hermit, was a call so answered. The congregation followed,

the village followed, the parish followed. Cities, towns, provinces followed the crucifix of the curate, and crushing all resistance, a mass of 70,000 men appeared on the hills which overlooked the city of Montezuma, and which, since the days of Cortez, had never beheld an army with banners. The brave curate, with that instinct of generalship which knows when to leave old rules behind, was for instant attack; and, if he had done so, in three hours the city was his, and the Revolution at an end; but a fatal delay of three days was allowed. Treason had penetrated his camp. The Viceroy had sent traitors to whisper in every ear the impossibility of the undertaking, that the priest was no general and would be whipped, that he could not take the city, and that himself and followers would all be ruined. Bribes followed, and treason and corruption dissolved in three days the patriotic army which no force could resist, and which was on the point of giving liberty and independence to its country. But the Revolution did not stop. The brave curate carried it on till he was killed, and statues have been erected to his memory. Other leaders appeared. The patriots kept the field, or rather the mountains, and at the end of eleven years the events of *Iguala* put an end to the contest. It had been a struggle, not between the mother country and the colony, but between the different classes of the Mexican population, the native against the European. These two classes, in the persons of their chiefs, united at *Iguala*, joined their arms together, proclaimed the independence of their country, and from that day (21st February, 1821) the Revolution was terminated, the independent government was established, and the power of Spain had ceased forever. The *plan of Iguala*, of which Iturbide was the hero, was the work of *united* Mexicans. It was the union of Mexicans in the cause of independence, and both declared and established independence. It was a great act in itself, putting an end to the Revolution of Mexico, but was speedily followed by another act putting the seal upon it. This was the treaty of Cordova concluded on the 24th of August of the same year, in which the extinction of the Spanish power in Mexico, and the establishment of its independence was formally and fully acknowledged by the Spanish king's representative in the Viceroyalty of Mexico. There is a Spanish copy of this important act in our Congress Library, but in the haste of the moment, I have not been able to find it, I only find a copy in French. I find it in the appendix to the *memoirs* of the some-time Emperor Iturbide, among the vouchers of which the French call *pieces justificatives*."

JAMES BUCHANAN.

I NEED not say, that these are not intended for biographies, they are mere sketches, of persons, incidents and things, and assume no higher grounds. James Buchanan, the subject of this sketch, has been so long among the most prominent of the distinguished men of the United States, and so recently filled so large a space in the public eye, that it may seem to some that I might pass him by in these reminiscences; I can not do so, my mind's eye is upon the distinguished men with whom I was associated during a term of six years in the Senate of the United States. I know no party lines in these sketches, nor am I governed in the least by the opinions of others, I am recording my own. I speak of Mr. Buchanan as a Senator, his official transactions in the high places he has filled at home and abroad, are before the nation, and will go down as a part of the history of the country to posterity. I served six years with Mr. Buchanan: I was most fortunate in getting a seat directly between him and Silas Wright of New York, and consequently in becoming intimate with both these distinguished Senators, which was never interrupted a moment by our political positions; besides being a native of eastern Pennsylvania, it was but natural that my position should be very agreeable socially, to me.

Mr. Buchanan in person is tall and strongly built. He was the largest Senator of the body during the time he served his State, and is now the largest man that has filled the Presidential chair since Gen. Washington; his head is well proportioned to his body, his forehead is broad and high, his eye rather sunken, his hair twenty years ago was well silvered o'er with grey, it is now white as snow. He carried his head leaning to one shoulder. I have seen that some writer speaks of this as owing to his eyes, but I think it is an acquired inclination of the head from some physical cause. As a debater, Mr. Buchanan stood high, among the first, perhaps not the very first. Mr. Clay, Mr. Calhoun and Mr. Webster by common consent, in point of eloquence and power, seemed to occupy the very first position in that body of great men; still it was very difficult for me to see the difference between that trio and Mr. Buchanan, Silas Wright and Mr. Benton. Mr. Buchanan always spoke well, sometimes eloquently, his mind was stored with facts, his preparation was always commensurate with the importance of his subject, and he never spoke unless he was prepared, as he often told me; he believes in preparation, as essential to success. I have heard him again and again, when he seemed to speak off-hand, upon the impulse of the moment, but before he closed, he gave con-

clusive evidence that he was drawing from previous preparation. He was always familiar, gentlemanly and courteous, yet not obsequious. I recollect on one occasion, Mr. Dickens (Boz) sat on the side sofa, immediately behind our seats. Senators from all parts of the chamber were pressing forward to take the distinguished English writer by the hand. Mr. Buchanan sat writing, I asked him why he did not rush forward like the rest. "I am in no hurry, let the time come itself and the occasion be suitable." On another occasion, there sat behind us a red-faced, red-eyed, small man, evidently dissipated. Mr. Buchanan asked me if I knew him. "Certainly I do, so do you, as you voted for him yesterday as our charge to Texas." "I voted for him? you must be mistaken; if you are not, I say that if ever I get to be President of the United States, which I do not expect to be, I never will send any one abroad to represent this Government, without seeing him, and approving his personal appearance." During the personal debate between Mr. Clay and Mr. Calhoun that turned upon the consistency of Mr. Calhoun as a politician and states-right man, Mr. Calhoun had been struggling all day with accumulated facts, against his consistency, in the hands of his adroit and powerful competitor. As he rose the last time, to reply to Mr. Clay, Mr. Buchanan turning his eye to me, "What a fool Calhoun is, to labour to prove his consistency through life. I should think myself a great dunce if I was not wiser to day than I was twenty years ago." For the purpose of placing Mr. Buchanan before the reader, as to his style as a debater, I select an extract from his reply to Mr. Clay, on the veto question, delivered in the Senate of the United States on the 2nd of February, 1842.

"Sir, the Senator from Kentucky, in one of those beautiful passages which always abound in his speeches, has drawn a glowing picture of the isolated condition of kings, whose ears the voice of public opinion is never permitted to reach, and he has compared their condition in this particular, with that of the President of the United States. Here too, he said, the Chief Magistrate occupied an isolated station, where the voice of his country and the cries of its distress could not reach his ear. But is there any justice in this comparison? Such a picture may be true to the life when drawn for a European monarch, but it has no application whatever to a President of the United States. He, sir, is no more than the first citizen of the free Republic. No form is required in approaching his person, which can prevent the humblest of his fellow citizens from communicating with him. In approaching him, a freeman of this land is not compelled to decorate himself in fantastic robes or adopt any particular form of dress, such as the court etiquette of Europe requires. The President

intermingles freely with his fellow-citizens and hears the opinion of all. The public press attacks him—political parties in and out of Congress assail him, and the thunders of the Senator's own denunciatory eloquence are reverberated from the Capitol, and reach the White House before its incumbent can lay his head upon his pillow. His every act is subjected to the severest scrutiny, and he reads in the newspapers of the day, the decrees of public opinion. Indeed it is the privilege of every body to assail him. To contend that such a Chief Magistrate is isolated from the people, is to base an argument upon mere fancy, and not upon facts. No sir, the President of the United States is more directly before the people, and more immediately responsible to the people, than any other department of our Government. Woe be to that President who shall ever affect to withdraw from the public eye and seclude himself in the recesses of the Executive Mansion."

EXTRACT FROM HIS SPEECH,

On Mr. Walker's amendment to the loan bill. "I hope the Senate will pardon me for a word of disgression. Thanks to the all-pervading arrogance and injustice of England, each portion of our Union has now a separate just cause of quarrel against that nation peculiarly calculated to arouse its feelings of indignation. We have the North-eastern Boundary question, the Carolina question, the Creole question, the Northwestern Boundary question, and above all, the right of search. Should we be forced into war in the present state of the controversy, we shall be a united people, and the war will be conducted with all our energies, physical and moral. In the present attitude of our affairs, I say, then, *let us settle all of these questions, or none. All or none, ought to be our motto.* If we insist on going to war, we could not desire a more favorable state of the questions than exists at present between the two nations. If all these questions except one should be adjusted, we shall be in as much danger of war from the single one which may remain, as we are at present, while we would incur the risk of destroying that union and harmony among the people of this country, which is the surest presage of success and victory. On all the questions in dispute between the two nations, except the right of search, I would concede much to avoid war and to restore our friendly relations provided they can all be adjusted. It is my firm conviction that it is due to this country, and to its tranquillity and prosperity, that all these questions should be settled together. *All or none*, I again repeat; without this, you weaken your own strength—you play into the hand of your adversary—you destroy to some extent

the unanimity of your people;—and, when at last you may be compelled to go to war, you will commence the contest with divided counsels and interests. I trust and hope that all these agitating questions may be settled. I should gladly review each one of them, but I feel that at the present moment it would be discourteous toward the distinguished stranger (Lord Ashburton), whom England has deputed to negociate upon them. I would not say a word which could by possibility interfere with the negociation.

"I hope he has come among us bearing the olive branch of honorable peace. If he has, there is no man in this country more ready to welcome his arrival than myself."

SAMUEL L. SOUTHARD.

An intimacy for years in the Senate between the subject of this sketch and myself, enables me to speak of him as his high position deserves. Samuel L. Southard was long New Jersey's favorite son. He held the highest offices within the power of the State and people to confer upon him. Governor, Supreme Judge, United States Senator. He was made Secretary of the Navy by Mr. Monroe, when quite a young man, and was continued by Mr. Adams through his administration. I became acquainted with Mr. Southard in the Senate. At the session after the death of General Harrison and the constitutional elevation of Mr. Tyler to the Executive chair, Mr. Southard was elected president pro tem of the Senate and served as such until his death, with occasional absence on account of his last illness. In person he was under the common hight, stout built, expanded chest, dark hair falling carelessly over his neck, high, retreating forehead, eyes dark and piercing, long, straight nose, wide mouth, projecting chin. His manners in private circles, were gentlemanly, courteous and easy. He was an accomplished scholar, and ranked with the finest speakers of the Senate. His voice was clear, musical, and full toned. His eloquence was of the impassioned, impressive character, sometimes lofty and sublime, often argumentative, always clear and distinct. He seldom took part in the small debates, never spoke without preparation, and was always heard by the Senate with marked attention. As a presiding officer Mr. Southard gave entire satisfaction, prompt, impartial in his decisions, courteous and pleasant to all. He was a great favorite in the body. As we saw him sinking under his protracted disease the sympathy of the whole body was enlisted. The circumstances of Mr. Southard were far from being easy; although millions had been subject to his control, not a misapplied dollar ever tarnished his fair fame. During the time I was with him in the Senate he made many able speeches upon important subjects. I never had any special conversation with him on the subject, but judging from one of his speeches on the land question, he was a strong American. I only knew him as a Whig. Under the rules of the Senate the president is authorized to substitute a presiding officer, day by day, in case of sickness. It was understood by the Senate that Mr. Southard desired the priviledge of substituting a Senator to preside during his illness, and on the 22d. of April, 1842, I was requested by his son to visit his father in the room of the Vice-President. I found Mr. Southard lying on the sofa, very weak, barely able to rise. As I entered he made known his business, requested me to preside during his illness. I

agreed to do so, the Senate consenting. He then handed me a note that he had prepared, which I copy here to show the form he adopted.

"HON. O. H. SMITH.

DEAR SIR—Increased indisposition will prevent me from attending the meeting of the Senate this morning, and I therefore request, that you will perform the duties of the chair. Very respectfully

WASHINGTON, *April* 22d., 1842. SAMUEL L. SOUTHARD."

The indisposition of Mr. Southard increased daily, and by similar appointments I continued to preside, with the approbation of the Senate, up to the 11th. of May, 1842, when I received my last note from him.

"HON. O. H. SMITH.

DEAR SIR—Being worse indisposed than I was yesterday, I find that I am unable to attend the Senate this morning, and must therefore request that you will preside for the day. I am respectfully

WASHINGTON, *May* 11th., 1842. SAMUEL L. SOUTHARD."

Mr. Southard passed rapidly away. His death was announced in both Houses, and appropriate ceremonies took place. I was present in the House of Representatives, when the melancholy announcement was made, and appropriate resolutions proposed by the Representatives of the State of New Jersey. The resolutions were read; when I saw rising from his seat the venerable form of John Quincy Adams, his head bald to his ears, his thin white hair scarcely covering the back of his head, addressing the chair. "I rise Mr. Speaker to second the resolutions:" his lips quivered, his tongue faltered, his voice failed, the tears trickled down his furrowed cheeks, he stood motionless like a statue: the House caught the feeling, and in a second there was not a dry eye in the Hall. Mr. Southard had been associated with Mr. Adams in both Monroe's and his own Cabinet, their friendship was deep and abiding. The rush of feeling passed off, Mr. Adams became composed, and delivered one of the most beautiful and thrilling addresses I ever heard; brief, sublime, beautiful, such a eulogy as none but Mr. Adams could conceive. Mr. Mangum was elected the successor of Mr. Southard, and acted as president pro tem until a Vice-President was elected and qualified.

EXTRACT FROM HIS SPEECH ON THE LAND BILL.

THEN came the Federal Constitution which created the Union; and what does it teach? Its first words are, "We the people of the Uni-

ted States." Who were *they?* *They* were the *citizens* of the *United States.* The honorable Senator from South Carolina, said he would like to hear a definition of what a citizen is. I have no skill at definitions; but I think I can describe who are, and who are not, citizens. At the time the Constitution was adopted, the *People of the States* formed it. The mere holding of land, did not constitute a man a citizen, or one of the *People* of the *States.* A State may, if she pleases, allow an alien to take land, and hold and transmit it by her laws, and yet he may not be a citizen of the State, or of the United States, he must go beyond that. The moment you allow a man the power to vote, the moment you give him *power* to *vote* in the *political government*, you make him a citizen — one of the People. We need not go back to Rome on this matter. The man who possesses political power, united to the common rights of person and property, is your citizen. He must owe his allegiance here, be subject to all duties, possess all rights, or he can not be a citizen with us. The language, "We the People of the United States," meant such, and none others. They formed their Government for themselves — not for Englishmen or Frenchmen — but for themselves alone, and such as they chose to admit, upon terms which they should, in their joint capacity prescribe. The power to prescribe these they could not leave to the States. Would you have Maryland say to New Jersey, you shall receive this man because I have made him a citizen? There was, therefore, a necessity of some common rule, and the authority to prescribe it must be placed somewhere; and it could be placed nowhere but in the common councils; and accordingly, the Constitution declared that Congress should have the power "to establish a uniform rule of naturalization." Could it be *uniform*, and yet leave the power to the States? Naturalization is the investing of an alien with the rights and privileges of one who is native-born. That is the whole idea.

When, therefore, the Constitution says that Congress shall have power to establish a uniform rule of naturalization, it means this, and this only: Congress shall prescribe the terms on which a foreigner, an alien, shall be admitted to the rights of a native — be one of "We the People." Can there be a uniform rule, unless it is prescribed by some common central power, and by that alone? There obviously can not. The very object to be attained, requires that the power should be vested exclusively in one body, in the Federal Government. I hold, therefore, the Constitution of Illinois and so much of the Constitution of Michigan, as undertakes to admit foreigners to citizenship, to be null and void — a violation of the compact. We entered into the Union on certain terms and conditions, relative to representation,

taxation and other matters. It was necessary for us to say who should be admitted as co-partners. But if an individual State may say this, the relative position of the States is changed — the conditions at once broken and destroyed. Illinois admits, we will suppose, 10,000 persons to vote, who are aliens not naturalized, whom she has not had the consent of other States to admit. What is the effect upon New Jersey?

It is this: that foreigners, strangers probably to our principles of government, our habits, our interests, — to our very language, may out-weigh and overcome the citizens of New Jersey in the choice of Chief Magistrate, and in all the *management* of *all* our public affairs. Is this fair? Is it right? This doctrine puts it in the power of certain States so to arrange, as that foreigners shall send enough to make up the majority of Representatives on the floor, in the other House, and may decide the choice of President. The States it is said, are too wise and just and will not do this. I do not say they will, but I would rather stand by the Union, and trust the principles of the Constitution than them. We agreed that there should be a uniform rule of naturalization — a uniform rule in New Jersey and in Michigan, in Delaware and in Illinois. But is the rule now uniform? No. — And if the other States should proceed after the example set by Illinois and Michigan, we shall soon have as many rules as there are States. I am not willing that such an unconstitutional and pernicious doctrine shall pass without giving it my condemnation. I insist that it is a violation of the Constitution. Read the powers granted in that instrument to Congress, and see if, where similar language is used, the power is not always exclusive. This point has been brought before the Supreme Court, and there was no dissentient voice in regard to it. I dread the consequences of this doctrine, more especially when I see such a bill as this, tempting aliens to come, giving them our lands, that the States may make them citizens. I am not willing that the members of the House of Representatives shall represent aliens, for in process of time, aliens may come to be a majority, and may choose any Chief Magistrate. This law may make them so numerous in Wisconsin and Iowa as to control your native vote and make laws for your States. I will not leave it to one State to say, that they shall be permitted thus to control the general interests of all the States. Whom may not some of the States make citizens? Cast your eyes in certain directions, and you can readily see what *might* be done. And recollect that the moment a State has pronounced a man a citizen, the shield of the Constitution is placed over him for his protection, and he must be protected *as a citizen*, every where in all the States.

I entreat gentlemen to pause before they establish this doctrine. For myself, I will not hold out inducements either to our own citizens or to aliens to come and take possession of our public lands. It is a proposition obnoxious to the laws and to the Constitution, and to all the fundamental principles of our Government and Union, and I must resist it. I am willing foreigners shall come and enjoy all the privileges which I do — I am willing to have them as neighbors, and as friends, and let them stand by our side in battle — *but they must cease to be Aliens first.*

VISIT TO MEMPHIS.

Late in June, 1853, I left home for Memphis, Tennessee, on matters connected with the contemplated line of railroad from Indianapolis South by Evansville, and Henderson, Kentucky, to Memphis. When I arrived at Henderson the great barbecue was just coming off, in the grove back of the city, upon the occasion of the commencement of the Henderson and Nashville Railroad. I accepted the offer of a ride to the grove where I found a very large assembly of ladies and gentlemen already seated under a beautiful bower, bands of music playing, companies of infantry marching, and counter-marching, troops of horse parading, and cannon firing, as I walked up to the bower. The president of the day invited me to take a seat on the stand; of course I could not decline; but the moment I reach the seat, he announced to the large audience that "A distinguished son of Indiana would address the audience." I was taken wholly by surprise, entirely unprepared, but there was no backing out, and I went ahead with an extemporaneous speech of some hour and a half. The attention was all I could have desired and the applause more than I could have expected under the most favorable circumstances. The speaking closed. I received the thanks of the President, and his arm to the table, at the barbecue out in the grove. It was the first time I had ever seen a Kentucky barbecue; I confess it come fully up to my expectations,—three tables some hundred yards in length, each covered from end to end with roast beef, mutton, whole pigs and calves, pies and puddings, bread and butter, indeed with all the substantials of life and the luxuries of the season, while good humor, hilarity, and pleasantness reigned. Henderson is a beautiful place located on a high bluff on the Ohio river some twelve miles below Evansville; on the Kentucky side, it is the residence of the Dixons and Powells, and other distinguished men of Kentucky.

The next morning our steamer stopped at Paducah at the mouth of the Tennessee, where I landed and met my old friend Lynn Boyd, Speaker of the House of Representatives in Congress. It was arranged that I should speak that evening in the court-house; posters were soon up over the city, and at candle-lighting I met a crowded house, spoke some two hours. Got aboard of the boat before she left, at daylight stepped ashore at Cairo, ran down the Mississippi a day and night, and landed safely at the beautiful city of Memphis. This is one of the finest locations on the Mississippi river between St. Louis and New Orleans, and is destined to become one of the largest cities in the Southwest, especially since the completion of the

great Memphis and Charleston Railroad. On the evening of the first of July, by request, I addressed a large audience of the citizens of Memphis over two hours in one of their halls. It was beginning to be feared that the yellow fever would visit the city, the news from New Orleans had for a few days become alarming; I determined to leave on the first boat for home, but learned that there would be no boat up before Saturday night, the third of July. Saturday morning had come, when Col. Williamson, president of the Little Rock Railroad, invited me to ride out with him on the train of the Memphis and Charleston Railroad to La Grange, where there was to be a celebration of the opening of the road to that place. I consented and we took our seats on an open, hind car, where we had a full view of the surrounding country as we passed. The country from Memphis to La Grange was beautifully picturesque,—fine groves surround the dwellings of the planters, extensive cotton-fields were just coming in bloom, the first I had ever seen. The day was pleasant and the ride delightful; at eleven o'clock we reached the station at La Grange, and left the cars for the grove where the stand was erected on rising ground, with the extensive shaded seats in front. Col. Williamson and myself were walking toward the stand when we were met by the president of the day. "Good morning, Col., I am glad to see you, we are in a bad fix." "How so." "We have an immense assembly, the ladies are seated, our orator has not come and we have nobody to address them." "You are not so badly off as you think, here is a man that can speak to your audience," pointing to me. The president.—"Can you speak?" "Yes, a little." "Will you address that audience?" "If you say so." "What is your name, and where are you from?" "My name is Oliver H. Smith, I live in Indiana." "That will do, how soon can you be ready to speak?" "I am ready now." We walked to the stand, ascended the steps to the platform, and before I reached the seat, the president at the top of his voice, "Ladies and gentleman, I have the pleasure of introducing *General Smith*, of the State of Indiana, who will now address you." I made no such pretensions to military title; but in the South, military men stand all the time a head and shoulders higher with the people than common men, and it is proper for the president in introducing a total stranger, in his own justification, in case I had failed, to have my military title to fall back upon. I immediately arose and bowed to the audience. As I threw my eyes around me from the stand, I beheld the most splendid preparations I had ever seen for a celebration. We were in the midst of a beautiful grove, the front bower covering the extended seats, overhung with bushes, and evergreens the fine companies, the

city guards, the infantry in full uniform stationed in front, and on the sides, the dragoons defiling, and moving around the bower with their beautiful horses, and splendid uniform. The bands of music, on either side of the stand, on the right at a distance the smoking barbecue in an adjoining grove was plainly in sight. My eye measured ten thousand on the ground. The bands were playing Hail Columbia, the music ceased.

"Ladies and gentlemen, I am a stranger in the State of Tennessee. I am a candidate for no office, and politics is not my theme, therefore you have nothing to expect from me to day but the truth, and I have nothing to ask of you but the courtesy of a hearing. You have a great State, rich in all that nature can bestow upon you, if you are not prosperous and happy it is your own fault. I have listened to your bands of music, as they played the national air of Hail Columbia, but the still more delightful music to your ears should be the rumbling of the cars and the whistling of the locomotives of the flying trains as they greet your ears, that should speak in a language not to be misunderstood, that Tennessee is rising from her long slumber, resolved to enter the field of enterprise with the Northern States. You now stand upon the same platform the Northern and Eastern States stood on years ago; then the great men were merged in politics, as you are, now they are engaged in the great enterprises of the day, and the country is rising in population and power. The time was when the patriotic sons of Tennessee rallied under the standard of their hero and repelled the enemy, in the glorious battle of New Orleans. A greater enemy to the State of Tennessee than the British army, has long fettered her prosperity, commanded by a greater general than Packenham,—I mean Gen. Apathy, Gen. Indifference. And a greater general than Gen. Jackson, may command your forces,—I mean Gen. Will, Gen. Determination." This is but a sketch of the commencement of the speech. The speech lasted an hour and a half, and was frequently applauded. Col. Haskell, Mr. Lindsay, Mr. Tresevant, Mr. Prior, and Dr. Booth, made short speeches, the bands played Yankee Doodle, and we all went to the sumptuous table in the adjoining grove, where every thing was done up in the finest style of a Tennessee barbecue. I returned that evening to Memphis and at twelve o'clock at night stepped from the wharf-boat upon the Steamer Columbus, direct from New Orleans, upward bound, with a number on board low with the yellow fever; several died on the passage. That dreadful epidemic was then just making its appearance in New Orleans. As connected with this sketch I give the notice of the celebration that appeared in the Memphis press, on the next Tuesday, the 5th of July.

THE RAILROAD CELEBRATION.

Saturday last was a great day for La Grange, and will mark a new era in the history of that thriving village. The number of persons in attendance is variously estimated at from six to eight thousand, and but for the heat and dust, the time would have passed off most delightfully. The preparations were commodious and ample, and not a single accident occurred to mar the harmony of the occasion. Speeches were made by Hon. O. H. Smith, of Indiana, Cols. Haskell, Lindsay, Tresevant, Pryor and Dr. Booth, after which the vast multitude repaired to the grove where the tables were spread, and partook of a most elegant dinner, prepared gratuitously by the public-spirited citizens of La Grange and vicinity. Memphis was largely represented on the occasion in the persons of the City Guards, Fire Companies, and last, though not least, a goodly number of her fair daughters. Three trains of cars left during the morning, every one of which seemed a living mass of human beings, and it is estimated that at least two thousand of our citizens took passage upon them. It was our fortune to get a stand (for we could not get a seat) on the 8 o'clock train which carried up the Guards and Fire Companies, who, with their engines, banners, uniforms and gay plumes, made one of the most imposing spectacles it has ever been our good fortune to witness.

Mississippi was also represented by a splendid company of horsemen from Lamar, who in connexion with the City Guards, went through some very fine and striking evolutions during the day, adding greatly to the interest of the occasion. We left the ground on the first train after dinner, and are unable to speak of what transpired afterward. Altogether it was, to us at least, a most pleasant day, and we can not ascribe too much praise to the public spirit of the citizens of La Grange, and to the interest which they have manifested in aiding and pushing forward one of the greatest works of the age, the Memphis and Charleston Railroad. May they in due time reap their reward.

SILAS WRIGHT.

THE subject of this sketch was one of the greatest men in the nation. I had the pleasure of sitting by his side for six years in the Senate, and the honor of a close, personal intimacy with him; we differed politically, but personally we were friends. In person, he was about a fair, medium size; strongly made, full, ample chest, large head, capacious forehead, inclining to baldness, hair thin, amber light, eyes dark-blue; features fine; dress plain, manners retiring, almost to diffidence. Gov. Wright possessed a mind of the first order in the body. As a speaker, he was plain, strong, clear, sometimes eloquent; not what the galleries call eloquence, his was the eloquence growing out of facts, plainly, forcibly presented, soft words and hard arguments. His mind was not the Niagara pitching over the cataract, raising clouds, and creating rainbows to the mental vision of his hearers, but rather the steady flow of a strong current of the Mississippi, bearing upon its bosom the wealth of nations. Gov. Wright had great weight with his party, he really led, while he seemed to follow. His great attachment to Mr. Van Buren was well known; while he was chairman of the Committee on Finance, a Senator charged him with taking his cue from Mr. Van Buren, at the White House. Mr. Clay rose and jocosely remarked, "I rise, Mr. President, to correct the Senator. I do not know that there is any cue in the case, but if there is it is more likely that the White House took the cue from the chairman of the Committee of Finance." Gov. Wright, bowing, "A high compliment, Mr. Clay."

Gov. Wright had one advantage over most Senators, he was always cool and collected, nothing could disturb him or throw him off his balance. I never saw him so excited as even to appear so, much less to make him lose sight of the proprieties of debate. He was said to love his ease, and to spend his vacation in the country, at his home, fishing and gunning; this may be true, but if so, his active mind was no doubt drawing to it and arranging the materials for the next session, of which he always had at command an inexhaustible store.

As I became familiar with him, he indulged in first-rate anecdotes, with which I could fill the space I have allotted for this sketch. On one occasion he was in the Senate of New York with Gen. Erastus Root. The General was fond of personal display in his dress. One morning he came to the Senate with buff breeches, white silk stockings, knee and shoe buckles. Gov. Wright bet a bottle of wine that he could make the General go home and take off the breeches, and put on plain pantaloons, without speaking to him on the subject;

It seemed to be a very fearful risk, but to the sequel. The Governor stepped up to the General, and taking him kindly by the hand, said, "Good morning, General," then turning his eyes upon the buff breeches, and looking them over for a minute, "how do you do?" then re-examining the breeches with a quizzical look, paying no attention to what the General said, but continuing his remarks, now a word, then a look at the breeches. The General at length left abruptly, was absent some minutes, and returned dressed in a plain pair of black pantaloons. The wine was drunk with a hearty laugh, in which the General joined.

On another occasion, while the Governor was Comptroller of New York, a penny paper, every morning for months, had been publishing scurrilous articles against him, without his having taken the least notice of them. One morning the Editor met him, and, apologizing for the article of that morning, remarked that he had ascertained that it was not true. "I do not understand you." "Why I have found out that the article I published this morning about you was not true." "Me! you haven't been writing against me, have you?" "Yes, for six months." "I have not heard of it." "Then I'll write no more."

The Governor told me how he got along with his enemies when they wrote against him: "If they publish the truth about me, I say nothing; one half of the people will say it is all a lie, one fourth will never see it, and the current affairs of the next day will cover it up from the sight of the other fourth. If it is a lie, I let it bury itself, unless the author is worthy of my attention, and I think I can make capital by exposing him."

It is known that Gov. Wright declined accepting the candidacy for Vice President of the United States, on the ticket with Mr. Polk, for the reason that his friend, Mr. Van Buren, had been defeated at Baltimore by the two-thirds rule, and the friends of Gen. Cass, and Col. Polk had then been nominated over him. Had Gov. Wright continued to stand aloof from that contest, and refuse to let his name be used as a candidate for the office of Governor of New York, at that time, no one doubted but that Mr. Clay would have carried the State against Mr. Polk, but the great popularity of Gov. Wright, who was opposed by Millard Fillmore, and the election coming on for Governor and President at the same time, the tickets became identified, and the Polk and Wright ticket succeeded over the Clay and Fillmore ticket by an inconsiderable majority. I have good reason to know that it was on his part, a great sacrifice to party, that he made with great reluctance, preferring to remain in the Senate. He died while filling the office of Governor of New York, in the meridian of his years.

Had he lived, it was evident that the eyes of the Democratic party were looking to him as their candidate for the Presidency.

I give for the eye of the reader, as I have of other Senators, a few extracts from one of his great speeches, on Mr. Clay's resolutions, to show his style of argument.

EXTRACTS FROM HIS SPEECH.

"A single other preliminary remark would bring him to an examination of the resolutions themselves, and of the merits of the questions raised by them. He was relieved from some of the most serious difficulties which had, upon some former occasions surrounded this subject of an adjustment of our tariff of duties upon imports, by being able to approach the discussion with the conviction that two great, and leading, and important principles in regard to it, were now perfectly settled and universally admitted, by all men of all parties, in this country. They were the following:

"1. That revenue should be the object and inducement for the imposition of duties upon imports, and that every other consideration should be merely incidental to this great and necessary object.

"2. That the wants of the Government, economically and properly administered, should be the measure of revenue to be raised from any source, or in any manner. There had been a time within his remembrance, when both these principles were strongly contradicted, and when protection to domestic interests was the ground upon which imposition of duties were urged, and the revenue to be derived was a merely incidental consideration. Indeed, when these plain principles were first announced, in the message of a late President, as those which should guide and govern this branch of legislation, they were looked upon by many as hostile to domestic interests, if not unpatriotic in themselves. They soon, however, came to be more carefully and maturely considered, and the consequence has been their universal adoption. They are enacted by the Compromise law. They are found soundly and distinctly put forth in the Finance Report of the present Secretary of the Treasury, and he was glad to meet with their strong repetition in a late report from a committee of the House of Representatives, on the subject of a fiscal agent. These great and leading principles he hoped he might consider as 'stakes' already set, and they should be kept carefully in the eye and mind of every statesman who attempts to mark out future action upon this all important subject." * * * * * * * * * * *

Mr. W. said, "Gentlemen might suppose these were opinions of his own, theoretically formed. They were not so, solely; but he had

already facts to rest them upon. A correspondent in New York, had transmitted to him an extract of a most sensible letter from capitalists, in Holland, who had already made investments in American securities. It showed a minute understanding on the part of these sagacious gentlemen, between cause and effect, in these matters of credit here, which, he regretted to believe, were much too limitedly known, and much too little appreciated, by ourselves. Senators must not forget that money-lenders are the most cautious of men—that they watch the policy and providence of those to whom they give credit; and that confidence in them, once wounded, is a sickly plant, and can only be restored to vigor and health again, by the most careful and faithful culture, and the most active and substantial nutriment. * * *

"Another, and still more important consideration, weighed heavily with him. The practice of sending Congressional speeches had increased within the last few years to an enormous extent, and had come to be a matter expected by the constituent and demanded from the representative, as a part of his official duty. It had gone to such excess within the last few years as, in his judgment, to have become injurious instead of being beneficial, to the constituent body, and most palpably so to the business of legislation here. The great mass of Congressional speeches now take their character from this practice. They are made not to be listened to by the body to which they are addressed, but to be read by the constituents to whom they were sent. Hence they are necessarily political and partisan to much too great an extent, and much beyond what they would be, if simply intended for the legislative body. The debates are protracted too in length by this practice, for the speaker is well aware that the debates upon the question can never reach those whom he wishes to address, and hence he is compelled, in his single speech, to give so full a view of the whole ground of debate, as to enable the reader to appreciate the force of his remarks and his views. This, too, must be repeated by each speaker, because his speech is to go to a different class of readers. Mr. W. had not for a long time entertained a doubt that this practice of circulating the Congressional speeches under the franks of the members, had contributed more than any one single cause to the constant increase of the duration of the long session."

ST. LOUIS CONVENTION.

In the month of October in the year 1849, the great Pacific Railroad Convention was about to be held at St. Louis. The Eastern stage arrived with several distinguished men, Mr. Stoddard, Mr. Lowe, Mr. Vancleve from Dayton; and we all left together for St. Louis in the stage. Our ride over a bad mud road was not very pleasant; but we made all up by good humor and hilarity. The second day we entered the Grand Prairie, stretching across the State of Illinois; it was the first time I had ever seen it; to say it was grand, would not convey an idea, it was magnificent to my eyes, one grand view all around us, not a tree to obstruct the sight to the horizon; here and there in the distance, was seen the cabin of the settler, with its curling smoke; now and then, the deer and the prairie-wolf would spring up and run away at the top of their speed; flocks of prairie-chickens flew whizzing through the air, and occasionally, wild turkeys, with their straight necks and upright heads, were seen above the grass of the prairie. I had seen the broad waters of Erie and Michigan, the Atlantic ocean, the Falls of Niagara; but thought the Grand Prairie scarcely surpassed by either. What is it yet to be, when settlement and cultivation shall mark it for their own? In the evening, St. Louis with her steeples and towers, was seen in the distance across the Father of Waters — Bloody Island, as it were in the channel, between Illinoistown and the city. We were soon at the Planters House, a first-class hotel, crowded with guests from all parts of the United States and Europe, of every, language, kindred and tongue. St. Louis was even at that day a great commercial city, but she was only the infant in the cradle, giving promise of the future man.

The next day the convention was to meet in the rotunda of the City Hall. I went over early, and was gratified to find myself in the midst of my friends — Col. Benton, Edward Bates, Gen. Hill, Col. Bowlin, Col. Curtus, Judge Birch, Judge Douglass, Solomon W. Roberts, Col. Darcie, Richard W. Thompson, Albert S. White, William K. Edwards, Charles F. Cruft and others. The time for organization came, and Judge Stephen A. Douglass was unanimously elected President, Judge Geyer one of the Vice Presidents, and a full complement of officers were selected. The circular tier seats in the rotunda, holding some 5000, all filled with the separate delegations from the different States; the central platform was occupied by the officers and invited guests.

Judge Douglass in taking the chair, made a strong explanatory speech, stating fully the object of the convention. The Judge is a short, thick, well-set man, large head, broad high forehead, dark hair and eyes,

wide mouth, good features, broad expanded chest, powerful voice, delivery good and distinct to the largest audience; his manner is ardent, impulsive and inflammatory, he is well adapted to large audiences, and must continue to be one of the popular speakers of the United States. The committees were appointed, resolutions referred, when Col. Benton took the main stand and delivered one of the most beautiful addresses I have ever heard. He pointed out the route of the Pacific Railroad, making St. Louis the starting-point; gave a graphic description of the country, through which the road must pass; he most beautifully painted to the imagination, Columbus standing upon the top of the Rocky Mountains, with one hand pointing to the Atlantic, and the other to the Pacific, while the trains with their thousands of passengers from Europe and Asia were flying by. I had often heard the Colonel, but I thought he surpassed himself that day. The convention adjourned. Next morning the committees were to report; quite early the convention was called to order by the president; the committees were still out, when Col. Curtus of Iowa, rose and offered a resolution in substance, that to avoid all Constitutional difficulties in the construction of the Pacific Railroad, it should commence out-side of the States, in one of the Territories, over which Congress had unquestionable jurisdiction; this seemed to be forestalling the report of the committee on that subject. The resolution was read by the secretary. The president rose to put the question. I looked around me to see if any other person was rising to speak, but no one rose. It was not my intention to say any thing before the report of the committee came in, but the test question was before the convention. I rose and addressed the chair. The audience.—"Who is it?" One of the Indiana delegation said, "Mr. Smith of Indiana."—"The main stand." I left the central platform, walked over to the main stand near the chair, from which Mr. Benton had spoken the day before, and addressed the convention for some hour and a half, upon the general subject of the Pacific Railroad, its location, its construction, its preservation, the Constitutional powers of the Government over it, and its great importance as a national work; I felt that I had the ear of the convention, I maintained that St. Louis was the natural starting-point for the main line, that there might be two diverging branches on the east side of the Rocky Mountains, the one finding its terminus at Memphis on the Mississippi, and the other at Chicago on Lake Michigan; that on the west side of the mountains, there should be two lines, the one terminating at San Francisco, California, and the other at the mouth of the Willamette Valley in Oregon. The Constitutional power was touched in the speech; I held that it could make no possible difference whether

the road commenced in the State of Missouri, or west of the States in the Territories, as these Territories would become States before the road could be constructed, besides, it would require as great an exercise of Constitutional power to keep up and run the road, and take tolls upon it, as it would be to construct it in the first place by Government.

As I closed, Judge Douglass called Vice President Geyer to the chair, and resigned the presidency for the purpose of taking part in the debate on the floor. He replied at once to my speech with much warmth, and in the opinion of many with conclusive success. I did not feel that my Constitutional argument was met by the distinguished Senator; he suggested that a provision could be inserted in the State constitution of Territories on the line when admitted; that the United States shall have the power to construct and operate the road through the State, after it was admitted into the Union. The suggestion looked plausible, but was it sound? I suppose not, as additional Constitutional powers can only be conferred upon Congress by an amendment of that instrument, in the manner provided in it, and can not be given by the constitution of a State.

The majority of the committee reported in accordance with the views of Judge Douglass; my friend Richard W. Thompson, who concurred with me, dissented from the majority, and moved to strike out the majority report, and insert a resolution placing the matter on the ground we maintained. Mr. Thompson addressed the convention upon his motion in a speech of some two hours with great eloquence and power, and was followed by Solomon W. Roberts and Col. Darcie in strong speeches, all maintaining the St. Louis commencement for the main line, and Chicago and Memphis for the termini of the branches. Mr. Thompson's motion prevailed without a count, and the convention adjourned to meet at Philadelphia the next summer. A large number of the delegates went down the river, to attend the Memphis Railroad Convention the next week. I ran down the Mississippi next day to Cairo, took a steamer for Louisville, and reached home in safety.

The convention at Philadelphia, was held the next summer, and resolutions similar to those adopted at St. Louis, were passed with great unanimity. The subject has been before Congress at every session since, but nothing has been done, except some explorations and reports. It seems now to be pretty well settled, that the great Pacific Railroad, will be constructed on the central route, through the south pass of the Rocky Mountains, by associated enterprise, with the collateral aid of the Government, in the shape of grants of lands. The great importance of this national work must ultimately secure its construction, and I yet look forward to its completion in my day.

POETS OF INDIANA.

Is there one other State in the Union, that has produced finer poets than John Finley, Esq., of Richmond; Mrs. Julia L. Dumont, of Vevay; Mrs. Sarah T. Bolton, Rev. Sydney Dyer, John B. Dillon, Esq., Rev. James Greene, and Henry W. Ellsworth, Esq., of Indianapolis? They have all delighted the public with their prose and poetry. The Rev. Sydney Dyer has published a neat volume of songs and ballads, a casket of beautiful gems. Mrs. Julia L. Dumont has given us her interesting "Life Sketches from Common Paths." Mrs. Sarah T. Bolton will, no doubt, publish in book form, her poems and interesting letters from Switzerland. The poems of Henry W. Ellsworth, Esq., were written while he was our *Charge* at Stockholm. The "Hoosier's Nest" was written by John Finley, Esq., as a New Year's address in 1830, for the Indiana Journal. It has never been published entire in any other form I believe, the latter verses have run through the press in America and England. I give it entire.

THE HOOSIER'S NEST.

BY JOHN FINLEY, ESQ.

Untaught the language of the schools,
Nor versed in scientific rules,
The humble bard may not presume
The Literati to illume,
Or classic cadences indite,
Attuned "to tickle ears polite;"
Contented if his strains may pass,
The ordeal of the common mass,
And raise an anti-critic smile,
The brow of labor to beguile.

But ever as his mind delights
To follow Fancy's airy flights,
Some object of terrestrial mien
Uncourteously obtrudes between,
And rudely scatters to the winds
The tangled threads of thought he spins.
Yet why invoke imagination
To picture out a new creation,
When Nature with a lavish hand
Has formed a more than Fairy land
For us? An Eldorado real,
Surpassing even the ideal!

Then who can view the glorious *West*,
With all her hopes for coming time,
And hoard his feelings unexpressed
In poetry, or prose—or Rhyme;
What mind and matter unrevealed,
Shall unborn ages here disclose?
What latent treasures long concealed,
Be disinterred from dark repose?
Here science shall impel her car,
O'er blended valley, hill and plain,
While Liberty's bright natal star
Shines twinkling on her own domain.
Yes, Land of the West, thou art happy and free!
And thus ever more may thy hardy sons be,
Whilst thy ocean-like prairies are spread far and wide,
Or a tree of thy forest shall tower in pride.

Blest Indiana; in thy soil
Are found the sure rewards of toil,
Where harvest, purity and worth
May make a paradise on earth.
With feelings proud we contemplate
The rising glory of our State;
Nor take offense by application
Of its good-natured appellation.
Our hardy yeomanry can smile,
At tourists of "the sea-girt Isle,"
Or wits who traveled at the gallop,
Like Basil Hall, or Mrs. Trollope.
'Tis true among the crowds that roam,
To seek for fortune, or a home,
It happens that we often find
Empiricism of every kind.

A strutting Fop, who boasts of knowledge,
Acquired at some far Eastern college;
Expects to take us by surprise,
And dazzle our astonished eyes.
He boasts of learning skill, and talents,
Which in the scale, would Andes balance,
Cuts widening swathes from day to day,
And in a month he runs away.

Not thus the honest son of toil,
Who settles here to till the soil,
And with intentions just and good,
Acquires an ample livelihood:
He is (and not the little-great)
The bone and sinew of the State.
With six-horse team to one-horse cart,
We hail them here from every part.
And some you'll see *sans* shoes or socks on,
With snake-pole and a yoke of oxen:
Others with pack-horse, dog and rifle,
Make emigration quite a trifle.

The emigrant is soon located—
In Hoosier life initiated—
Erects a cabin in the woods,
Wherein he stows his household goods.
At first, round logs and clap-board roof,
With puncheon floor, quite carpet-proof,
And paper windows, oiled and neat.
His edifice is then complete,
When four clay balls, in form of plummet,
Adorn his wooden chimney's summit;
Ensconced in this, let those who can
Find out a truly happier man.
The little youngsters rise around him,
So numerous they quite astound him;
Each with an axe, or wheel in hand,
And instinct to subdue the land.

Ere long the cabin disappears,
A spacious mansion next he rears;
His fields seem widening by stealth,
An index of increasing wealth;
And when the hives of Hoosiers *swarm*,
To each is given a noble farm.
These are the seedlings of the State,
The stamina to make the great.
'Tis true her population various,
Find avocations multifarious;
But having said so much, 'twould seem
No derogation to my theme,

Were I, to circumscribe the space,
To picture but a single case;
And if my muse be not seraphic
I trust you'll find her somewhat graphic.

I'm told in riding some where *West*,
A stranger found a *Hoosier's Nest*,
In other words a Buckeye Cabin,
Just big enough to hold Queen *Mab* in.
Its situation low, but airy,
Was on the borders of a prairie;
And fearing he might be benighted
He hailed the house, and then alighted.
The Hoosier met him at the door,
Their salutations soon were o'er.
He took the stranger's horse aside
And to a sturdy sapling tied.
Then having stripped the saddle off,
He fed him in a sugar trough.

The stranger stooped to enter in,
The entrance closing with a pin;
And manifested strong desire
To seat him by the log-heap fire.
Where half a dozen *Hoosieroons*,
With mush and milk, tin-cups and spoons,
White heads, bare feet and dirty faces,
Seemed much inclined to keep their places;
But madam, anxious to display
Her rough but undisputed sway,
Her offspring to the ladder led,
And cuffed the youngsters up to bed.

Invited shortly to partake,
Of venison, milk and *Johnny-cake*,
The stranger made a hearty meal,
And glances round the room would steal.
One side was lined with divers garments,
The other, spread with skins of *varmints;*
Dried pumpkins over head were strung,
Where venison hams in plenty hung;
Two rifles placed above the door,

Three dogs lay stretched upon the floor—
In short the domicil was rife
With specimens of Hoosier life.
The host, who centered his affections
On game, and *range* and *quarter sections*,
Discoursed his weary guest for hours
Till Somnus' all-composing powers,
Of sublunary cares bereft ' em ;
And then—No matter how the story ended,
The application I intended,
Is from the famous Scottish poet,
Who seemed to feel as well as know it,
That burly chiels and clever hizzies,
Are bred in sic a way as this is.

BACHELORS' HALL.—(Irish Imitation.)

BY JOHN FINLEY ESQ.

Bachelors' Hall ; What a quare looking place it is !
Kape me from sich all the days of my life !
Sure, but I think what a burnin' disgrace it is,
Niver at all to be gettin' a wife.

See the ould Bachelor, gloomy and sad enough,
Placing his tay-kettle over the fire ;
Soon it tips over—Saint Patrick ! he's mad enough,
If he were present to fight with the Squire.

Then like a hog in a mortar-bed wallowin,
Awkard enough, see him knading his dough ;
Troth ! If the bread he could ate widout swallowing,
How it would favor his palate, you know.

His dish-cloth is missing—the pigs are devouring it,
In the pursuit he has battered his shin ;
A plate wanted washing—Grimalkin is scouring it,
Tunder and turf ! what a pickle he's in !

His meal being over, the table's left setting so,
Dishes, take care of yourselves if you can !
But hunger returns,—then he's pining and fretting so
Och ! Let him alone for a baste of a man !

Pots, dishes, pans, and such greasy commodities,
Ashes and pratie-skins kiver the floor ;
His cupboard's a store-house of comical oddities,
Sich as had niver been neighbors before.

Late in the night then, he goes to bed shiverin'
Niver the bit is the bed made at all!
He crapes like a tarapin under the kiverin;
Bad luck to the picture of Bachelors' Hall.

PADDLE YOUR OWN CANOE.

BY MRS. SARAH T. BOLTON.

Voyager upon life's sea,
To yourself be true,
And wher'er your lot may be,
Paddle your own canoe.
Never, though the winds may rave,
Falter or look back;
But upon the darkest wave
Leave a shining track.

Nobly dare the wildest storm,
Stem the hardest gale,
Brave of heart and strong of arm
You will never fail.
When the world is cold and dark,
Keep your aim in view;
And toward the beacon-work,
Paddle your own canoe.

Every wave that bears you on
To the silent shore,
From its sunny source is gone
To return no more.
Then let not an hour's delay,
Cheat you of your due,
But, while it is called to day,
Paddle your own canoe.

If your birth denied you wealth,
Lofty state and power,
Honest fame and hardy health,
Are a better dower.
But if these will not suffice,
Golden gain pursue;
And to gain the glittering prize,
Paddle your own canoe.

Would you wrest the wreath of fame
From the hand of fate?
Would you write a deathless name
With the good and great?
Would you bless your fellow-men?—
Heart and soul imbue
With the holy task, and then,—
Paddle your own canoe.

Would you crush the giant wrong,
In the world's free fight?
With a spirit brave and strong,
Battle for the right.
And to break the chains that bind
The many to the few,—
To enfranchise slavish mind,—
Paddle your own canoe.

Nothing great is lightly won,
Nothing won is lost;
Every good deed, nobly done,
Will repay the cost.
Leave to Heaven, in humble trust,
All you will to do:
But if you succeed, you must
Paddle your own canoe.

A HOME ON THE MOUNTAIN.

BY REV. SYDNEY DYER.

Let others sigh for a valley home,
Where the brooks run murmuring by,
I'll build my cot on the mountain's dome,
Where it leans to the deep blue sky.
I love to dwell where the eagles soar,
And perch on its starry crown,
The wild winds howl, and the thunders roar,
As the storm comes rattling down;
Then sigh who will for a valley home,
Where the brooks run murmuring by,
I'll build my cot on the mountain's dome,
Where it leans to the deep blue sky.

Let others pine for the vale below,
Though a home is more genial there,
I love the drift of the mountain snow,
And the health of its bracing air.
We 'll bound away on the chamois' track,
Or mark as the noble deer
Leaps high in air, as our rifles crack;
Hurrah! for our mountain cheer.
Then sigh who will for a valley home,
Where the brooks run murmuring by,
I'll build my cot on the mountain's dome,
Where it leans to the deep blue sky.

WASHINGTON'S TOMB.

BY REV. SYDNEY DYER.

Immortal and sacred, untouched by decay,
The tomb of the hero in glory appears;
And nations their homage unceasingly pay,
To his ashes that hallow the place of their tears.
Though he sleeps in the grave, still, enraptured they greet,
The banner of stars which his valor unfurled,
And hither, as pilgrims, they hasten to meet,
And Washington's tomb is the shrine of the world.

The deeds of the warrior, the tongue of the sage,
The strains of the poet, though others may claim,
The glory that dazzles the world's brightest page,
Is the halo that circles our Washington's name.
While a freeman shall live, his devotion will greet
The banner of stars, which his valor unfurled,
And hither, as pilgrims, the nations will meet,
And Washington's tomb be the shrine of the world.

While others for glory have fought and have bleed,
His heart and his fame to his country he gave,
And here, as the feet of the pilgrim are led,
Each heart is enshrined in our Washington's grave;
And the gaze of the freeman with rapture will greet,
The banner of stars, which his valor unfurled,
And the hearts of all ages in unison meet,
At Washington's tomb—the first shrine of the world.

While sacred, immortal, his resting shall be,
And nations, admiring, shall covet his fame;
May the bonds of our Union be lasting and free,
And dear as the love of our Washington's name.
By the tomb of our hero united we'll greet,
The banner of stars which his valor unfurled;
We'll stand by its honor, its foemen defeat,
And save from pollution the shrine of the world.

MY DAUGHTER NURSE.

BY MRS. JULIA L. DUMONT.

I HEAR her still—that buoyant tread,
How soft it falls upon my heart;
I've counted since she left my bed
Each pulse that told of time a part.

Yet in a dreamy calm I've laid,
Scarce broke by fitful pain's strong thrill,
As one who listening waits some strain,
Wont every troubled thought to still.

And o'er me yet in visions sweet,
The image of my precious child,
Plying e'en now with busy feet,
Some tender task—for me has smiled.

Oh! youth and health; rich gifts and high
Are those wherewith your hours are crown'd;
The balm, the breath, of earth and sky—
The gladsome sense of sight and sound.

The conscious rush of life's full tide,
The dreams of hope in fairy bowers;
Action and strength, their glee and pride,
Are portions of your laughing hours.

But, still to dim and wasting life,
Thou bringest dearer gifts than these:
Gifts, that amid pale suffering strife,
Love, filial love, beside me wreathes.

Sweet draughts fresh drawn from love's deep spring,
Still lulls my many hours of pain,
And not all summer joys might bring
A draught so pure from earthly stain.

Why is it, that thus faint and prone
I may not raise my languid head?—
A daughter's arms around me thrown
Yet lift me from my weary bed.

And what have flowers or skies the while
To waken in a mother's breast,
Soft gladness like the beaming smile,
With which she lays me back to rest?

Those smiles, when all things round me melt
In slumberous mist, my spirit fill:
As light upon closed eye-lids felt
Beneath their curtaining shadow still.

And still in happy dreams I hear,
While angels' forms seem o'er me bent,
Her tones of ever tender cheer,
With their high whisperings softly blent.

But hush, that is her own light tread,
It is her hand upon my brow;
And leaning silent o'er my bed,
Her eyes in mine are smiling now.

My child, my child, you bring me flowers—
Spring's fragrant gift to deck my room;
But through the dark drear winter hours,
Love—love alone has poured perfume.

TWILIGHT.

BY REV. JAMES GREENE.

I love the thoughtful hour when sinks
The burning sun to rest,
And spreads a sea of flowing gold
Along the illumined west;

When nature seems as if from toil,
She found a glad release,
And breathes through all her works the breath
Of harmony and peace.

That twilight hour attunes the soul
To nature's minstrelsy,
And leaves the temple of the heart
From passion's discord free;
The music of the world without
Pervades the world within,
And sweetly drowns the jarring notes
Of vanity and sin.

I can not prize in hours like these
E'en friendship's sacred voice,
Nor do I need a kindred heart
To share these mystic joys;
For 'tis an hour to be alone—
Not in the cloister walls,
But forth mid forest, hill and stream,
In nature's glorious halls!

Yet never am I less alone,
Than when alone "I" stray
Abroad for quiet converse
With the gentle closing day;
The very stillness of the hour
Is eloquent with thought,
And every zephyr floating by,
With speechless language fraught.

I hold communion with the stream
That gurgles through the vale,
And find companions in the flowers
That scent the passing gale;
And when I rest, where spreads the grove,
Its deep, inviting shade,
Forgotten thoughts come back in tones
By trembling leaflets made.

Those tones unuttered, bring again,
In pageantry of light,
The roseate hours when life's gay morn
Was beautiful and bright;

And words of kindness sweet as if
By angel voices sped,
Float from that shadowy land where rest
The loved and early dead.

Nor can I feel alone when all
Around me speaks of God—
When arching sky, and flowering earth
Proclaim his praise abroad;
And soft as fall the twilight dews,
From pearly stores above,
I hear a voice in every breeze,
That whispers *God is love.*

If in these faintly pencilled lines,
His glory shines so clear,
To those who gaze upon his throne
What vision must appear?
What fancy's ardent wing shall soar,
To gain that viewless hight,
Or tongue describe, or heart conceive
That world of fadeless light!

BURIAL OF THE BEAUTIFUL.

BY JOHN B. DILLON, ESQ.

WHERE shall the dead and the beautiful sleep?
In the vale where the willow and cypress weep;
Where the wind of the West breathes its softest sigh;
Where the silvery stream is flowing nigh,
And the pure, clear drops of its rising sprays
Glitter like gems in the bright moon's rays—
Where the sun's warm smile may never dispel
Night's tears o'er the form we loved so well—
In the vale where the sparkling waters flow;
Where the fairest, earliest violets grow;
Where the sky and the earth are softly fair,
Bury her there—bury her there!

Where shall the dead and the beautiful sleep?
Where wild flowers bloom in the valley deep;

Where the sweet robes of spring may softly rest
In purity over the sleeper's breast:
Where is heard the voice of the sinless dove,
Breathing notes of deep and undying love;
Where no column proud in the sun may glow,
To mock the heart that is resting below;
Where pure hearts are sleeping, forever blest;
Where wandering Peris love to rest;
Where the sky and the earth are softly fair,
Bury her there—bury her there!

LINES TO AN ABSENT WIFE.

BY HENRY W. ELLSWORTH.

Shall we meet again together,
As in happy days of old,—
When around our winter fireside,
Many merry tales were told?
When the yule-log sparkled brightly
And still brighter every eye,
As we recked not of the tempest,
In its wild wrath shouting by?

Shall we meet again together,
On the green and sunny plain,
With the tall grass round us waving,
And the billowy ripened grain,—
Where we scared the timid rabbit,
And the speckled prairie hen;—
From the morning 'till the twilight,
Shall we wander there again?

Shall we hear once more together,
The soft ripple of that stream,
Whose tones were wont to gladden us,
Like the music of a dream?
Where, in forest-paths, we lingered,
Or with arm-in arm stole on,
'Till the silver stars had faded,
And the witching moonlight gone?

Shall we meet again, sweet mother,
With that dear one by our side,
Whom our hearts have loved to cherish
In the fulness of their pride;
Whom we oft have watched together,
In each sunny hour of glee,
While we blest the glorious Giver
That such gentle ones could be?

Shall we meet again together,
For the loved and early gone,
As with noiseless steps we linger
Near each dear sepulchral stone;—
Watching long till evening draweth
Her dark pall around their bed,
And with folded hands above them
Breathe our blessings on the dead?

Shall we meet yet, love, together,
In that spirit clime on high,
Where the blest of earth are gathered,
And the heart's best treasures lie;—
Where each deathless soul retaineth
All it knew or loved of yore;—
Shall we—father, son and mother—
Meet above to part no more?

THE CHOLERA-KING.

BY HENRY W. ELLSWORTH.

He cometh! A conqueror proud and strong!
At the head of a mighty band
Of the countless dead, as he passed along,
That he slew with his red right hand;
And over the mountains, or down the vale,
As his shadowy train sweeps on,
There stealeth a lengthened note of wail,
For the loved and early gone!

He cometh! The sparkling eye grows dim,
And heavily draws the breath,
Of the trembler who whispers low of him,
And his standard-bearer death,—

He striketh the rich man down from power,
And wasteth the student pale,
Nor 'scapes him the maid in her latticed bower,
Nor the warrior armed in mail!

He cometh! Through ranks of steel-clad men
To the heart of the warrior brave;
Ye may count where his conquering step hath been
By the spear in each nerveless hand.
Wild shouteth he where on the battle plains,
By the dead are the living hid,
As he buildeth up from the foemen slain,
His skeleton pyramid!

There stealeth 'neath yonder turret's height,
A lover, with song and lute,
Nor knoweth the lips of his lady bright
Are pale, and her soft voice mute, —
For he dreameth not, when no star is dim,
Nor cloud in the summer sky,
That she who from childhood lovéd him
Hath laid her down to die!

She watcheth! A fond young mother dear!
While her heart beats high with pride,
How she best to the good of life may rear,
The dear one by her side;
With a fervent prayer, and a love-kiss warm,
She hath sunk to a dreamy rest,
Unconscious all of the death-cold form,
That she claspeth to her breast!

Sail Ho! For the ship that tireless flies,
While the mad waves leap around,
As she spreadeth her wings for the native skies,
Of the wanderers homeward bound, —
Away through the trackless waters blue,
Yet ere half her course is done,
From the wasted ranks of her merry crew
There standeth only one!

All hushed is the city's busy throng,
As it sleeps in the fold of death,
Like the desert o'er which hath passed along,
The pestilent Simoon's breath;

All hushed! save the chill and stifling heart
Of some trembling passer by,
As he looketh askance on the dead-man's cart,
Where it waiteth the next to die!

The fire hath died from the cottage hearth,—
The plow on the unturned plain
Stands still, while unreaped to the mother earth,
Down droppeth the golden grain!
Of the loving and loved that gathered there,
Each form to the dead hath gone,
Save the dog that howls to the midnight air,
By the side of yon cold white stone!

He cometh! he cometh! No human power
From his advent dread can flee,—
Nor knoweth one human heart the hour,
When the tyrant his guest shall be;
Or whether at flush of the rosy dawn,
Or at noon-tide's fervent heat,
Or at night, where with robes of darkness on,
He treadeth with stealthy feet!

BATTLE OF TIPPECANOE.

As the passenger on the train from St. Louis to Cincinnati, upon the Ohio and Mississippi Railroad, crosses the Wabash bridge at Vincennes, if he will look out of his window, on the left-hand side he will see standing there a square, two-story brick house surrounded by a porch. That house was the residence of William Henry Harrison, when Governor of the Indiana Territory; directly in front of the house he will see a few old locust and elm trees, in a group. There it was in the midst of those trees that General Harrison was seated with an open file of men under arms before him many years ago, waiting the approach of Tecumseh, the great war chief of the Shawnees. Dark and portentous clouds had been gathering over the settlements on the Wabash. Tecumseh, the brave but wily chief of the Shawnees, and his brother the prophet, had ranged the woods and planted the war posts from tribe to tribe, and the rifle and tomahawk of Indian warfare were ready for their dreadful work upon the frontier settlers. Could it be staid? Could not a treaty of peace be made? Gen. Harrison resolved to try. He asked of Tecumseh, through a messenger, a personal interview, privately between themselves, to see if they could not avoid the sacrifice of human life that must follow war. Tecumseh accepted the proposed interview with apparent satisfaction, the time for the meeting was fixed, and Vincennes the place agreed upon. General Harrison soon after learned that Tecumseh instead of meeting him alone, would bring with him a chosen band of warriors, prepared to seize and carry off the General a captive, and then fall upon the frontier settlers with all their savage fury. The General prepared to meet his wily foe; selecting a few brave men, doubly armed, at the appointed hour he took his seat, his chair leaning against the large old elm, you see in front of the little grove; his men in open file facing in, with their arms in perfect order, at shoulder, ready for the word of command. Tecumseh and his warriors came in sight, but seeing that his plot had been discovered, and that the General was prepared, leaving his warriors behind, he stepped boldly forward, his blanket thrown over his shoulders, his breast bare, leggins tied at his knees, moccasins on his feet, bare headed, face painted, and eagle feathers sticking in his hair, his black eye looking vengeance, as he marched with proud, defiant step up the open file to the seat of the General. As he approached, the General rose and offered his hand. Tecumseh stepped back, stood erect, and silently fixed his eyes upon the face of the General, without moving a muscle. The General, speaking to his interpreter,

"Tell him his great father offers him a chair, to be seated upon." The moment the interpreter communicated the message, Tecumseh with his eyes still resting on the face of the General, spoke in a loud, firm tone of voice: "My father! the sun is my father, and the earth is my mother, and I will recline on her bosom," and sat down on the ground directly in front of the General. The General.—"Interpreter, ask him if he will make peace, or if he is bent on war." Tecumseh.—"I am sick." The known meaning of which was that he was dissatisfied. "Will you make peace or will you have war?" This he answered by a look that told his meaning. "Tell him if he will have war to spare the women and children, let it be a war of men." Tecumseh, rising from his seat, stretching out his arm to its full length, with his fist clinched. "Your women and children are safe. My warriors against your men." He turned and marched proudly down the file, joined his warriors and left for his forest home; the tocsin of war was sounded and the Indians began to concentrate in their war lodges. Tecumseh and the Prophet were every where rallying their red brethren and arousing their war spirit. General Harrison was not idle, he saw the coming contest not without some alarm for the safety of the frontier settlers. He soon raised an army, composed of as brave men as ever drew a sword, or fired a rifle—volunteers from Kentucky and Indiana, men who understood Indian warfare, and were anxious to meet the savage foe.

About nine miles above the city of Lafayette the Tippecanoe enters the Wabash river; the passengers on the trains from Lafayette to Chicago, will notice about seven miles from Lafayette, on the left hand side of the cars, a beautiful inclosed white-oak grove, widening from the point they first pass to the north, on the west side skirted by a narrow prairie, on the east by a wide, low prairie, and on the north by level woods. The spot is known as the "Tippecanoe Battle Ground;" now the property of Indiana, by donation from the late John Tipton. It was on that spot the dreadful battle was fought between the American forces, under the command of General Harrison, in person, and the combined Indian warriors, commanded by the Shawnee prophet, brother of Tecumseh, who had inspired his warriors with the superstitious belief that they would be invincible.

The American army had encamped early in the evening on that elevated open wood. Near the south end, the company of the brave Capt. Spencer, the father-in-law of Gen. Tipton, was stationed. Gen. Tipton was at that time ensign of the company. Near the upper end of the ground was the temporary marquee of Gen. Harrison. I refer to the report of the battle for the plan of the encampment, this sketch

is from recollected private conversations with Gen. Tipton and Gen. Harrison. Gen. Harrison rode a beautiful fleet gray mare, that he had tied with the saddle on, to a stake near his marquee, to be ready at a moment in case of alarm. Major Owen of Kentucky rode a bay horse. After the gray mare was hitched, it became necessary in order to pass a baggage wagon, to remove her and tie her at another place; without the knowledge of Gen. Harrison, the bay horse of Major Owen was afterward tied to the post where the gray mare had been.

A dark night came on. It was probable that the Prophet would strike that night if at all, the men lay upon their arms, the officers at their respective commands. Hark! the sound of rifles. The sentinels were either shot or driven in; the attack was made over the east and west banks of the high lands, bordering the prairies. The moment the alarm was given, every soldier was upon his feet, and the mounted officers in their saddles. Gen. Harrison ran to the post where he left his gray mare, finding Maj. Owen's bay horse he mounted, leaving the gray for the Major if he could find her. The General dashed down to where he heard the firing, rode up to Capt. Spencer's position, at the point of the high ground around which the prairies meet; there the enemy had made the first main attack—deadly in effect. There stood the brave ensign John Tipton, and a few of the surviving men of the company. Gen. Harrison.—"Where is the captain of this company?" Ensign Tipton.—"Dead." "Where are the lieutenants?" "Dead." "Where is the ensign?" "I am here." "Stand fast my brave fellow, and I will relieve you in a minute." Gen. Tipton told me in after years, that a cooler and braver man, on the field of battle, than Gen. Harrison, never lived. It was a deadly night, the Indians with rifles in their hands, concealed from view, in the darkness of the night, fighting to desperation, under the inspiration of their superstition,—being the attacking party, and knowing where their enemy lay, had great advantages, which nothing but the indomitable courage of our brave men could have met and finally repelled. The moment the alarm was given, the brave Maj. Owen ran to his stake, but his horse was gone; near by he found and mounted the gray mare of the General. He was scarcely in the saddle, before he fell mortally wounded, pierced with rifle balls, which were intended no doubt for Gen. Harrison, as the Indians knew he rode a gray, and must have been in ambush near. The men and officers that fell that dreadful night were the bravest of the brave. Their names are not only recorded upon the records of our country, but will ever be treasured in the memory of every Indianian, with heartfelt gratitude, and undying sorrow. I visited the common grave of these brave dead, who fell in that terrible

battle, only a few years since. You will find it in a grove of white-oak trees perforated by balls, standing near the center of the inclosed grounds. The victory was dearly bought, but it secured a lasting peace to our frontier. Tecumseh remained our deadly enemy while he lived, but soon after fell at the battle of the Thames. This is only intended for a charcoal sketch of those memorable scenes. The brave Gen. Tipton will be noticed among the United States Senators, before these sketches close.

THE CULBERTSON CASE.

Among the civil trials of the State, there have been perhaps, none of greater interest, or involving more important legal principles than the case of Samuel Culbertson against Abner T. Ellis, John M. Cook, Joseph Bowman, Joshua Beall, Samuel Wise, William Butch, Thomas Bishop, and Sylvanus Lathrop, in the Circuit Court of the United States, in the year 1850. It was an action upon the case in the nature of a conspiracy, brought under the following state of facts. The defendants were the president, directors, and engineers of the Wabash Navigation Company, incorporated to improve the navigation of that river, at the rapids below Vincennes, by the construction of a dam, and lock, for the passage of steamers. The plaintiff, Culbertson, and his brother, citizens of Pennsylvania, made a written contract with the corporation, to construct the work in a given time, upon agreed terms. The contract contained a provision that whenever the contractors were not pushing on the work, in good faith, without any reasonable excuse, to the satisfaction of the company, the engineer should be authorized to declare the contract forfeited, which should be final between the parties. The contractors had progressed with the work for some considerable time. The waters of the river were occasionally so high as to obstruct the work. The season was sickly, the brother had died, and the plaintiff was laid low with fever; the work was not pressed as fast as the company desired, when the engineer under the advice of the president and directors, declared the contract forfeited, and demanded possession of the works, which Culbertson refused to give. The company then procured an affidavit to be made, a warrant to issue, and Culbertson, just able to walk, to be arrested, and kept in custody until they got possession of the works, materials, and tools.

In the year 1849, Culbertson brought an action of assumpsit on the contract, with the common counts, for work, labor, and materials, against the Navigation Company in the Circuit Court of the United States, Judge Huntington presiding. The case was warmly contested. The trial lasted a week. Joseph G. Marshall, and Randall Crawford, counsel for the plaintiff. Samuel Judah, Jeremiah Sullivan, and Abner T. Ellis, for the defendant. The able counsel employed, indicate the character and ability of the prosecution and defense. The main question, the facts being admitted was, for what was the plaintiff entitled to recover. It was admitted by the plaintiff's counsel, that if the contract was declared to be forfeited upon sufficient ground by the engineer, then they were only entitled to recover the balance

due them for work, labor, and materials. But if the contract was declared to be forfeited on insufficient grounds, then they could recover the reasonable profits of the contract in addition. Judge Huntington in his charge, held that the plaintiff could only recover for the work done and materials furnished up to the time the contract was declared to be forfeited by the engineer, whose decision on that question was final between the parties. The jury found a verdict for the plaintiff for $9.985, damages: costs $482. The company appealed to the Supreme Court of the United States. Mr. Judah appeared in that court for the company, and I presented a printed argument for Mr. Culbertson. The case was affirmed by an equally divided Court.

In the year 1850, Mr. Culbertson employed me to bring an action against the *individuals* composing the president and directors of the company and the engineer; in tort, for declaring the contract forfeited without just and reasonable cause. It was to me a new question. I was able to find no reported case in the books directly in point; but, reasoning from the analogy of cases I came to the conclusion that the action would lie, and brought the suit. The case was tried at the next term, before Judge Huntington on the general issue. Joseph L. Jernegan appeared with me for the plaintiff, and Samuel Judah and Randall Crawford were for the defendants. Judge Huntington presided. The result was a heavy verdict for the plaintiff, which the the Court for reasons satisfactory to them, set aside, and granted a new trial, costs to abide the final result.

At the next term, before Judges Mc Lean, and Huntington, the defendants obtained leave to file a plea of former recovery, setting out the case that had been tried and affirmed in the Supreme Court. I demurred to the plea, and after full argument the Court sustained the demurrer, and the cause was continued. At the next term before Judge Huntington, the jury was impanneled, and the trial occupied near a week, resulting in a disagreement and a discharge of the jury by the Court, after having been out all the night, and the cause was again continued.

At the next term, the case was tried before Judge Leavitt, District Judge of Ohio, who presided in the absence from sickness, of Judge Huntington. Great preparations were made, on both sides, for the final trial, and both came fully prepared. Mr. Jernegan had left the State, and Judge Kilgore appeared in his place, with me: the defendants, to insure success, sent to Kentucky and employed John J. Crittenden to assist their able counsel. The case was called, and a jury impanneled. Next morning I briefly opened the case to the jury, and the evidence was introduced on both sides, occupying two

days. After the evidence of the plaintiff was partly given, Mr. Crittenden moved to non-suit the plaintiff, on the ground that a conspiracy was charged in the declaration, but no proof to sustain the charge had been given. I placed my opposition to the motion upon the grounds that it was premature, as *all* the plaintiff's evidence had not been offered, and that proof of conspiracy was not required; that this was not an action for conspiracy, but an action on the case where any one of the defendants might be convicted, and the others acquitted. That it was not like an indictment for conspiracy at common law, where more than one must be convicted, or at least, the one before the court with others, where the *conspiracy* is the gist of the prosecution. Judge Leavitt sustained my objections, and overruled the motion; the evidence closed before noon, and the Court adjourned to dinner.

Judge Kilgore opened to the jury in the afternoon in a speech of some two hours, Court adjourned. Next morning, Mr. Crawford opened for the defendants, some four hours; Court adjourned for dinner. Mr. Crittenden was to speak in the afternoon, public expectation was on tip-toe, the court-room was crowded before the meeting of the court with the *elite* of the city, it was evident that the great Kentucky orator was taxed high in public opinion. Much was expected of him. As we walked down to the court from the hotel, I remarked to Mr. Crittenden, that I had decidedly the advantage of him. "Why so," he said. "Because in the first place I have the best side of the case, and in the next, I am at home. The people expect nothing from mé, and will not be disappointed, while you are already taxed as high as you can be, and may disappoint your audience." He denied the first, but admitted the last to be true. He arose, his head whitened over by years, his high forehead overspread by his silver locks, his projecting mouth, prominent chin, and manly features, reminded me of the days when he was combating in the Senate of the United States, the mighty men of the land. Like others around me, I was about to hear him for the first time in a forensic effort; I confess I had some fears, lest he should cause the jury to forget the evidence, and the Court to overlook the law. He spoke some three hours in a strain of impassioned eloquence, but I thought he kept too much away from the facts of the case. He spoke about and around the case, and not at, and upon it. I said to myself, he either thinks the case too heavy for him to carry, or too light to carry him. It was evident that the facts did not suit him, but he had declaimed beautifully. "Let me say to the plaintiff go home to your native State, dismiss your suit, betake yourself to some honest employment. You are engaged with some of the first men of the State, in a controversy

that must end in both disgrace and ruin to you, unless you abandon it at once. Let me say to my friend the counsel that is to follow me, you have no case, it is the baldest case that was ever brought in a court of justice. No action ever was sustained in England or America, on facts like these; an action has already been brought and a recovery had against the corporation, and now you are seeking damages against the president, directors and engineers, as individuals for the very act for which you have already recovered damages. Will you magnify this case to the conspiracy of Cataline without proof?" Mr. Crittenden closed near four o'clock. He was listened to by the jury and crowded stands with profound attention. I rose at once, and closed the argument before the jury in a speech over three hours. My friends said I was fully myself; the fact was, the case was with me, and was sufficiently strong to carry me triumphantly before the jury. Judge Leavitt gave to the jury a clear and able charge upon the law of the case, which may be found in McLean's reports. The jury retired and after a brief absence returned a verdict finding the defendants guilty as charged, and assessing damages at $750, costs $610. The moment the verdict was announced Mr. Crittenden rose and asked the jurors upon what ground they had found their verdict. I objected to the question, and told the jurors not to answer: the Court was appealed to. Judge Leavitt.—"The question is improper, you can poll the jury." Mr. Crittenden.—"I waive the question." Verdict entered, motion for new trial. Court adjourned. Next day motion for new trial withdrawn and judgment on the verdict. Thus ended this warmly contested, important case.

RUFUS CHOATE.

Mr. Webster had resigned his seat in the Senate of the United States, to take the office of Secretary of State, under Gen. Harrison. Rufus Choate of Boston, was elected to the vacant seat. I remember well with what curiosity I looked for the appearance of Mr. Choate in the Senate. I had long known him through the press; and from Mr. Webster and Mr. Bates, as the first lawyer at the Boston bar. It is characteristic of Massachusetts, to always have one great man in every department, and by a common consent, he can have no successful rival in his day. Mr. Webster stood in Massachusetts alone, as a great statesman; not exactly as it was said of Mr. Calhoun, in South Carolina, that when he took snuff, all South Carolina sneezed. Judge Story stood at the head of the judiciary; and Rufus Choate stood at the head of the bar, as he does at this day.

I heard Mr. Choate in the Senate, the first time he addressed the body, with much interest; as I did his after speeches. He was in a new field for the display of his powers. He had to meet a body of the most distinguished men of the world — the first minds upon earth, on the very field of their training and triumphs in the great contest of mind with mind. I had heard him but a few minutes, before I became satisfied that he had nothing to fear; that Massachusetts had sent to the Senate in the person of Mr. Choate, a worthy successor of Mr. Webster, her favorite. Mr. Choate possesses a brilliant imagination; a sound and matured judgment; a happy elocution; at times, I thought too rapid for effect upon his audience; words flow from him without a seeming effort; his gestures are peculiarly his own; the jerk of his arm while speaking would remind you of the whip-arm of a coachman touching up the leaders of his team. He was one of the most brilliant orators in the Senate; and was listened to by the body with profound attention, sometimes filling the galleries. Mr. Choate stood among the first of the National Whigs, a strong and firm friend of the Union of the States, now and forever. I give an extract from one of his speeches, showing his style, and the cast of his mind.

EXTRACT FROM A SPEECH OF MR. CHOATE, MAY, 1842.

"But the honorable Senator is against your jurisdiction in all forms and in all stages. Sir, I can not concur with him; I would assert the jurisdiction, on the contrary; on the same grand, general reason, for which it was given to you. It was given as a means of enabling you to preserve honorable peace, or to secure the next best thing, 'a just

war,' a war into which we may carry the sympathies, and the praise, and the assistance of the world. Accept and exert it for these great ends. Do not be deterred from doing so, and from doing so now, by what the honorable Senator so many times repeated to you; that negotiations are pending with England; that she has insulted and menaced you, and withheld reparation, and withheld apology, and that, therefore, the passage of the bill at this moment, would be an unmanly and unseasonable courtesy or concession to her. How much England knows or cares about the passage of this bill; what new reason it may afford to the Foreign Quarterly Review for predicting the approach of his monarchial millenium in America; we need not, I believe no one here, need know or care. But does it work unmanly fear of England, an unmanly haste to propitiate her good will, because I would commit the quiet and the glory of my country to you? Where should the peace of the nation repose, but beneath the folds of the nation's flag? Do not fear either, that you are about to undervalue the learning, abilities, and integrity of the State tribunals. Sir, my whole life has been a constant experience of their learning, abilities, and integrity; but I do not conceive that I distrust or disparage them, when I have the honor to agree with the Constitution itself, that yours are the hands to hold the mighty issues of peace and war.

"Mr. President, how strikingly all things, and every passing hour, illustrate the wisdom of those great men, who looked to the Union; the Union under a general Government, for the preservation of peace at home and abroad, between us and the world, among the States, and in each State. Turn your eyes eastward and northward, and see how this last, but restrained and parental central power, holds at rest a thousand spirits, a thousand elements of strife! There is Maine. How long would it be if she were independent, before her hardy and gallant children would pour themselves over the disputed territory, like the flakes of her own snow-storms? How long, if New York were so, before that tumultuous frontier would blaze with 10,000 'bale fires?' Our own beautiful and beloved Rhode Island herself, with which the Senator rebukes you for interfering; is it not happy even for her, that her star instead of shining alone and apart in the sky, blends its light with so many kindred rays, whose influence may save it from shooting madly from its sphere?

"The aspect which our united America turns upon foreign nations — the aspect which the Constitution designs she shall turn on them,—the guardian of our honor, the guardian of our peace,—is after all, her grandest and finest aspect. We have a right to be proud, when we

look on that happy and free empress-mother of States; themselves free unagitated by the passions, unmoved by the dissensions of any one of them, she watches the rights and fame of all; and reposing, secure and serene among the mountain summits of her freedom, she holds in one hand the fair olive-branch of peace; and in the other the thunderbolt and meteor flag of reluctant and rightful war. There may she sit forever; the stars of Union upon her brow, the rock of independence beneath her feet."

LEWIS F. LINN.

The State of Missouri was ably represented in the Senate by Thomas H. Benton and Lewis F. Linn. Senator Linn being the junior from the State, near my own age, and having a great deal of business before the Committee on Public Lands, of which I was chairman, we became intimately acquainted. The more I saw, heard and knew him, the more I became attached to him. In person, he was about the medium hight; strongly made, broad, deep chest, full breast, expanded lungs, round head, black hair, beautifully curled over his head and around his forehead; features perfect; white, beautiful teeth; eyes coal-black. He was a ripe scholar. He always dressed tastefully. One morning he came into the Senate with a pair of light check pantaloons on. I remarked, "That is a new style." "Why don't you know, Mr. Smith, that I am just from England? While there, I was in the House of Lords, and was introduced to the Duke of Wellington; he had check pantaloons on; they looked so comfortable that I raised these." "I thought you would be the last man that would pattern after the English dukes." He laughed, and I passed on my way.

As a speaker, he was plain, direct, and intelligent; imparting to his subject a high degree of interest; he made no pretensions to that kind of eloquence that excites the Senate and fills the galleries, still he was always listened to with attention by the Senate. The mind of Senator Linn was West, and while his own Missouri was never absent from him, the still further West, the great slope between the Rocky Mountains and the Pacific, was ever present with him; the Territory of Oregon, the country on the Columbia River, the valley of the Willamette, were cherished objects of his Senatorial regards.

It gives me pleasure to present to the reader an extract from one of his beautiful speeches, in answer to Mr. M'Duffie, on his favorite Oregon question. This extract gives Senator Linn's style, and will be read with interest as his views at that early day. The swelling tide of population has since spread over that great slope of our continent, including California, without a parallel in the history of our country. The infant Oregon then, will soon be one of the States of the Union. The unknown Washington Territory then, will, in a few years, add another star to our national galaxy. California then belonged to Mexico, her golden sands barely known to the explorer, her rich quartz a part of her Nevada cliffs, her empire city a village of fishermens' huts on the sands of the Pacific, her shipping a few Indian canoes, and now and then a clumsy junk from the neighboring

Islands. Look at California now! one of the most flourishing States in the Union, soon to rival our Eastern empire States in population and wealth. See her great city, San Francisco, with its teeming thousands, its astonishing growth, its shipping filling its capacious harbor with the commerce of every nation and every clime.

MR. LINN, OF MISSOURI, IN REPLY TO MR. M'DUFFIE ON THE OREGON BILL.

"These are the views of those who look only to the earthly rewards of hazardous enterprise. But the Eastern States furnish others, whom a sacred call has led to trace the pathless wilderness, careless of all human protection; who, in the true spirit of Christian philanthropy, have braved every privation and danger to carry to the vallies of the Oregon and the Willamette the light of the Gospel, and its attendant, civilization; accomplishing there by their devotedness, those noble benefits which it was your part to have performed. The Christian spirit of men has outstripped the tardy policy and goodness of the Government, and these Gospel-bearers have at once formed a paradise, where your statesmen imagine nothing but sterile sands, or a surface blackened by volcanic fires.

"Of the horrors of such a sojourn, the Senator from South Carolina (Mr. M'Duffie), seems to have formed a particularly lively conception, and has conveyed it (as was to be expected) in a very powerful form. Had he (he said) an honest or deserving son, who desired to immigrate thither, he would say to him, 'Don't go; stay where you are.' But had he one fit for a convict-ship or Botany Bay, he would tell him without hesitation, 'Go, by all means.' Now, for the Senator's information, I beg to read a few well-authenticated descriptions of this blasted land of his. The reports of the missionaries, and the narratives of Capt. Wilkes and of Mr. Peale, the naturalist, give a very different picture. They agree that for picturesque beauty, for exuberant fertility, and for salubrity of climate, no region of the earth, of equal extent, surpasses the vales and the table-lands of the Oregon. There, too, they tell you, instead of the dissoluteness of such a population as the Senator thinks it only fit for, are seen gentleness, piety, intelligence, and peace, which seem to have their chosen seat in the beautiful valley of the Willamette. They are law-abiding and law-loving; they are active, yet quiet; no strifes or broils, suicides or murders. No compulsion of the law is needed to make them pay their debts—a contrast, on this verge of civilization, as the Senator supposes it, at which a portion of his constituents, not to say my own,

might well blush. He is not less mistaken as to the mercenary motives which, he thinks, can alone have led these wanderers so far. Was it such that brought our sturdy ancestors to the rock of Plymouth? May not their descendants speed to this furthest West with like visions of some noble futurity to be realized? There is a fascination in these half-real dreams which I have witnessed and felt; and had I wealth to pay, or could such things be bought, I know not what I would give to have felt the wild and strange rapture with which Boone must have gazed, for the first time, from the summit of the Cumberland Mountains over the matchless plain of Kentucky; or, yet, again, when he had passed through that Eden-like wilderness, and, from the top of one of the mounds of a departed race, look, in bewildered delight, over the magnificent banks and streams of the Ohio. These, sir, are sensations not to be purchased. There is in them no touch of any thing mercenary; and they animate men to ventures which no gain can repay, but which surely, in finding or founding empires for us, deserve encouragement and protection, as much as any labors of that more sordid kind which seek and make themselves, in safety, rewards at home. There are men who go forth to the wilderness like our first parents, when God sent them forth from the garden of Eden to subdue the earth. Such feelings, to our own immediate ancestors, shed an ideal beauty over the barren rock of Plymouth; one day, under their all-subduing spirit, to blossom like the rose. The same impulse yet animates their race, and will bear them across deserts, as of old across the deep,—give them only the protection of your laws and the countenance of the Government. I recollect, Mr. President, at the last session of Congress, to have heard a venerable and respected lady say that, when she removed, at the close of the Revolution, from Annapolis to Cumberland, in Maryland, she was looked upon as having gone out of the world, and as about to become a semi-savage. In such a light were your forefathers (Mr. Bates, of Massachusetts, in the chair) viewed when, in their forlorn search for freedom, they abandoned the ease of civilized life, and, for freer homes, braved the dangers of the deep and the terrors of a savage shore. They but obeyed the instinct of our peculiar race—that invincible longing for liberty and space which impels those of Anglo-Saxon descent to trace the rudest tracts, the wildest seas, range the Atlantic and Indian waste of waters, explore the vast Pacific, and break through the icy barriers of the Polar oceans. With a spirit renewed from our virgin soil, and from Nature itself in this untamed continent, it looks back to the land of our forefathers half ready to spread there the *regeneration* which constantly agitates itself. Other nations may

enlarge themselves by physical conquests; but we (I thank God for it!) can subdue only by the dominion of mind, the moral empire of institutions. If neighboring countries are, at any future time, to be added to our Union, it will be they who will have sought the blessings of our free institutions; not we who will have coveted the enlargement of our territory by conquering fleets and armies.

"Sir, I confess that this wealth of the surface, and the still vaster natural treasures that lie beneath, unmined but not unknown, have awakened in me, and seem to me to justify, the expectations which the Senator considers so visionary. Over such a region, the passage from the richest valley in the world,—that of the Mississippi—to a new and wide commercial empire, that must presently start up on the Pacific, I can not think railroads and canals mere day-dreams. The wonders which have within the last twenty years been achieved in these things, may well excuse those who look upon the results I have mentioned as possible, even within the compass of the present generation. All predictions, even the most sanguine, have in this country been so distanced by the actual progress of its prosperity, that gentlemen who fortell the other way should beware of the error of the Millerites, and not lay the accomplishment of their prophecies too close at hand. Even in the faith of the bold enthusiasts who landed at Plymouth Rock, was there one ardent enough to imagine that their descendants would, in five centuries, perform what has been effected in two? It was said by Gen. Cass, in his discourse before the Historical Society of this city, 'That he had conversed with those who had talked with the children of the pilgrims.' In that small space of time, what amazing changes! What an empire has risen up, like an exhalation from the earth! A new people has been added to the great household of nations, and is already among the first in the world. There are those among us who have talked with Daniel Boone, that overland Columbus who first explored the recesses of that immense wilderness in which we now count many States, teeming with population and wealth, and glad with all the gifts of civilization. What imagination has yet outstripped the gigantic pace at which improvement marches among us? Sir, I can well conceive the tumult of delight which must have swelled the bosom of Clarke, when from the bluff he had gained, he first heard the roar of the great ocean, and saw the surges of the Pacific bathing the territory he had explored. In the vision of that moment, he saw through the dim vista of the future, rising States of his country, men spreading along that shore, and the white sails of their commerce wafting along the bosom of that peaceful sea the barbaric wealth of the East, in return for the more solid fruits of

our own industry. One can not read the warm and striking description of what he saw and felt, without sharing in his enthusiasm. Some of us now here have shaken hands with Boone, with Clarke, and with Cass, who have often conversed with a relative, a cotemporary, of the first-born of the Pilgrim Fathers. What a picture does this present for the contemplation of the statesman and philosopher! The chain is complete from the Atlantic to the Pacific oceans—from the first-born of Massachusetts to Clarke on the borders of the western ocean.

ROBERT J. WALKER.

THERE are few men, now living who have filled a larger space in the public eye, than Robert J. Walker, at this time Governor of Kansas. I found Mr. Walker at the head of the Land Committee in the Senate of the United States, when I entered that body in 1837, and became passingly acquainted with him. In 1841 I was selected as the chairman of that committee, and elected by the party vote over Mr. Walker, who remained a member of the committee, during the balance of my term; we consequently became intimate. In person Mr. Walker was the lightest man in the Senate. Some five feet six inches high, rather stooping as he walked, small bones, little flesh, narrow chest, large head for the size of his body, bald to behind the crown, high, retreating forehead, large nose, wide mouth, projecting chin. Weight some hundred pounds before he visited Cuba for his health, rather heavier after his return. Still I never saw him, that his health did not appear to be very delicate. So much so, that it was a matter of surprise with me that he could perform the immense labors that were thrown upon him, as Secretary of the Treasury, and in his other public professional positions. Mr. Walker was a good speaker, his voice rather shrill to be pleasant. He was argumentative and very formidable in debate. To say that he stood among the first of his party, would be doing him only justice, and I am incapable of doing him less. Mr. Walker spoke perhaps as often on important subjects as any other Senator, indeed he scarcely ever let a question escape from the Senate without hearing from him. I see Mr. Benton in his "Thirty Years," speaking of the Bankrupt Law states truly: "This measure, then, which had no place in the President's Message, or in Mr. Clay's schedule, and to which he was averse, took precedence on the calendar of the vital measures for which the extra session was called." So far I agree with Col. Benton, but when he puts Mr. Henderson in advance of Mr. Walker in support of that measure, I totally disagree with him. I was there, I saw every movement, and I heard every argument. The truth is and let it go to posterity as the truth, of that part of history, the Bankrupt bill never could have passed the Senate but for the great exertions of Robert J. Walker, and Nathaniel P. Tallmadge, the Representatives of Mississippi and New York. Mr. Walker was more than himself upon that bill. He met every argument against it with all his power, and when he touched the poor debtor, and his family, in the hands of the inexorable creditor, he moistened many eyes. The bill was on its passage. Mr. Buchanan had closed a powerful speech against it that seemed almost to seal its

fate. I turned my eye to Mr. Walker, he rose, addressed the Chair in a low tone of voice, and turning to Mr. Buchanan who sat near me, as the Congressional Globe of the 25th of July, 1841, in giving a mere epitome of his speech, says:

"Mr. Walker replied to Mr. Buchanan's arguments contending for the principles of the bill and its details. He pointed to the Bankrupt law of Pennsylvania, the great complaint against which was that it was compulsory and partial in its bearing; and that was why it had been repealed. He denied that the passage of this bill could have a tendency to expand credit; but, on the contrary, would have a reverse action. He thanked the Senator for the sympathy he had expressed for unfortunate debtors; but he would rather have his vote than his sympathy; and he should have respected that sympathy much more if the Senator had not made the powerful speech he did against the bill. If this law was not passed the thousands of unfortunate debtors in this country would either have to wear the chains of the slave, or become exiles from their native land. The argument that the law could not be executed, was an argument against the Constitution of the United States. There was no difficulty whatever in the execution of the law, all the details were left to commissioners, as to the testimony of witnesses at a distance, depositions could be taken. As to the law of 1800, on the repeal of which so much stress was laid, the principal cause of objection against it was that it was a compulsory law. As to the Philadelphia law of 1842, it conferred a privilege on the citizens of Philadelphia, in the discharge of their obligations, which was denied to the citizens of the interior of the State, and this privilege was considered so odious as to lead to the repeal of the law. Instead of being a stimulus to excessive speculation he contended that its operation would be precisely the reverse. In stating the unequal operation of State laws, which released debtors in some States, while they who were equally honest, and equally unfortunate, remained bound in others, the strongest argument was adduced in favor of the passage of a General Bankrupt Law uniform in its operation. No man could doubt that Congress has the power to grant the relief so loudly called for, and the States had not the power."

He closed, the bill passed by a very close vote. Mr. Walker as Governor of Kansas will have need of all his judgment, discretion and firmness. As his personal friend, I tremble for him, so many have so signally failed, but I hope and trust that he may discharge his duty faithfully to his own credit, and the best interest of the people he governs.

JOHN C. CALHOUN.

Among the eminent men of the United States, John C. Calhoun, the great Cotton commoner of the South, will ever stand high and distinguished. I had the pleasure of an acquaintance with him in the Senate of the United States, during the time I served in that body. Had Mr. Calhoun lived north of the Cotton States, his great mind would unquestionably have been more national than it was. I have read the most of his speeches. I have heard every speech he made in the Senate, openly before the world, and in executive session, including that on the Ashburton treaty, placing our line upon the 49th parallel of latitude. I could distinctly see that the great cotton interest was the *main* idea in them all. Was the question Internal Improvements by the General Government, States Rights, Tariff, Protection, Revenue, Commerce, Manufactures, Navy, Finances, Public lands, Assumption of State Debts, Banks, Annexation, Peace, War, the election of President, triumph of Party, consistency of himself,—*Cotton*, *Cotton*, the *interest of the Planter*, prompted to action, and controlled the mind of Mr. Calhoun. Negro Slavery, with him, was secondary, merely instrumental in the success of his darling cotton interest. The struggle only terminated with his life, between his patriotism and his beloved cotton interest, as was evident to his friends and ardent admirers, as his Presidential aspirations received check after check, blow after blow, from the great parties to which he connected himself. His great mind became less and less attached to the Union, and more and more prepared for a separate Cotton confederacy, to be composed exclusively of States holding slaves, which Mr. Calhoun always maintained as essential to eminent success of the cotton planter. No leading politician in the nation ever changed position with less compunction than Mr. Calhoun. Still he was remarkably sensitive on that point, and would labor for days to prove the consistency of his political life. I recollect on one occasion in the Senate, after he had separated from Mr. Clay, a reference to his Fort Hill letter, brought on an interesting personal contest between Mr. Calhoun and Mr. Clay. Mr. Webster ultimately took part, in which Mr. Calhoun maintained to his own satisfaction, the consistency of his whole life, against fearful odds of facts; indeed, in the face of facts brought against him by those able Senators, that seemed to me incontrovertible at the time. While preparing this sketch, I accidentally met one from the pen of a writer unknown to me, from which I make some extracts agreeing substantially with my own recollection of the scenes as I witnessed them from my seat near Mr. Clay at the time.

The struggle between the two champions was no holiday pastime. The blows exchanged were such as only giants could give, and such as only giants could withstand. The contest was like that described by Milton between the superhuman spirits, who picked up hills for missiles, but found even such weapons unavailing. Mr. Clay led off in a speech that we thought must inevitably crush Mr. Calhoun. He spoke of the contest which for years Mr. Calhoun and himself had, side by side, been waging against the "usurpations" of that "extraordinary man," Gen. Jackson. He told how the "boding fancies" of "my quondam friend" could in the various stages of that struggle see nothing but gloom in the future—nothing but tremendous and fast-coming disaster to the country. The blows which he struck were, in consequence, given with the energy of despair, rather than the animation of hope. He, Mr. Clay, had preferred to look upon the brighter side of things. He had even sought in their many interviews and consultations, to administer comfort to his gallant comrade in arms; but, like Rachel of old, he refused to be comforted.—Kind fortunes, however, had smiled upon their good cause. The battle was bravely fought. The victory was already won, and was in their grasp. The patriotic heart was beating high; rejoicings began to swell up all over the land. The consummation long labored for had been almost reached. Executive usurpation was under the frown of an indignant people, and the country was almost safe.

Where now was his gallant friend from South Carolina? Where was he in this moment of triumph, when a few more brave efforts would have finished the work in which for years he had been toiling? Was he exchanging congratulations with his comrades? Was he cheering on his followers? Alas! no. Instead of the proud battle-cry which he was wont to utter, suddenly he sounded a retreat! In that auspicious, long-prayed-for, that critical moment, he called to his legions, and bade them retreat from the field? Aye, more; he bade them follow him to the enemy!

He, Mr. Clay, heard the news with deep alarm. He well knew the commanding and the deserved influence of the gentleman.—He knew the multitudes that followed him as faithfully as ever clan followed chieftain, and he trembled lest the weakened ranks of the Whig army should no longer be able to cope with the disciplined and strengthened forces of the administration. He had waited, therefore, with much anxiety to see the extent of the defection. The rolling of the retreat-drum finally ceased; the dust raised by the retiring squadrons cleared away—the company led off by the gentleman from South Carolina became visible. "He himself, sir, constituted horse, foot and dra-

goons! In the language of his late principal opponent, but now his most distinguished ally (Col. Benton), "he went over *sol-i-ta-ry* and A-LONE." He went over, sir, and left to posterity to discover his motives.

While Mr. Clay was speaking, Mr. Calhoun was generally in motion —walking much of the time in the lobby, in the rear of the presiding officer's chair. He listened attentively, but did not interrupt the speaker. When Mr. Clay concluded the Senate adjourned.

Two weeks afterward Mr. Calhoun replied. He had studiedly arranged his argument, and his pathway was a stream of light. He reviewed his political career; showed how the charges of inconsistency brought against him by weak minds grew, in fact, out of his very consistency, a consistency which would abandon party before principle. He said he had always been ready to co-operate with those who would act with him, in achieving a public good; that such an object was the only bond of party union which he recognized; that with this view he had co-operated with the Whigs, with the majority of whom he disagreed on important political questions, for the purpose of breaking down the dangerous usurpations of executive power. That object was now accomplished, and the alliance ended with its purpose. Further co-operation with the Whigs would, by placing them in power, install principles to which he had ever been opposed; for the State Rights portion of the Whigs, being the weaker wing, could not expect the advantages of victory to inure to the benefit of their principles. This was what he meant by that remark in which the Senator, prompted from within, sees a longing after the vile spoils of office, instead of a laudable patriotic sentiment.

Mr. Calhoun, while speaking, maintained a stern attitude, and stood in the aisle by the side of his desk. His gesture was short and nervous, and chiefly with the right hand. His articulation was rapid, but not so much so as to be at all indistinct, as we had been led to expect. His pronunciation of some words was faulty; "*point*," for example, he pronounced "*pint*." His keen eye was unwaveringly fastened upon Mr. Clay, who sat upon the opposite side of the chamber, and to him rather than to the Speaker of the Senate he addressed all his remarks.

When Mr. Calhoun concluded, Mr. Clay immediately rejoined. He rose under an excitement, such as he at one time had manifested in his first speech, like a stalwart warrior not weakened or dismayed, but goaded and smarting from wounds which he was not permitted to avenge. He commenced by saying that when he was assailed—when his career was called under review—it did not take him two or three weeks, of

long searches and midnight toil, to prepare his defense. He stood ever ready, arrayed as he was in the panoply of conscious integrity, to vindicate his fair fame against all assaults from whatever quarter. He continued in a speech, the conclusion of which we were not priviledged to hear, but which gave great satisfaction to his admirers.

But the end was not yet, as the distinguished Senators seemed to retire from the contest, each apparently satisfied with the result, there arose from the seat before me, Daniel Webster; and in his powerful voice, addressing the chair, — his black, piercing eyes fixed upon Mr. Calhoun — "Where am I? Is this the Senate of the United States? Am I Daniel Webster? Is that (pointing to Mr. Calhoun), John C. Calhoun of South Carolina, the same gentleman that figured so largely in the House of Representatives in 1816, at the time the Bill creating a National Bank passed that body? What have I heard to-day? The Senator attempting to maintain his consistency before this Senate in my presence? Does the Senator remember, that when Rufus King moved his amendment to the Bank Bill, providing the bonus that was to be appropriated to works of internal improvement within the States should not be so appropriated without the consent of the States, the Senator from South Carolina then took the floor against the amendment of Mr. King, and made one of his strong and conclusive speeches, maintaining that the federal arm could not be stricken down, or paralyzed by the States; and that the powers of the General Government were ample to construct works of national importance. Where were the State Rights doctrines of the gentleman then?" and took his seat. Mr. Calhoun rose instantly. "I recollect the facts stated by the Senator from Massachusetts well, and let them warn all young Senators never to violate the Constitution." He took his seat, other matters soon occupied the Senate, and we moved on as usual.

At another time, Mr. Calhoun was struggling with all his powers of mind, to maintain his consistency on the question of a home valuation of ad valorem duties, with James F. Simmons, of Rhode Island, one of the strong men of the body, and whom I am highly pleased to see is returned to the Senate for another term from his State.

Mr. Simmons was speaking, Mr. Calhoun sitting near him. "I am at a loss to account for the reason why it is insisted that *such* a rule of valuation is impracticable, or why it will not insure the certainty of collection as well as to have specific duties. So far as it is important that any duty should bear a due proportion to the value of the article taxed, it is far better than specific duties, and if there be a real desire to carry out the Compromise Act on the part of the Senator from South Caro-

lina, I can not account for his opposing this provision of that bill. He knows that the bill itself could not have passed without it; but upon an incidental debate. Upon the appointment of a clerk the other day, he insisted that this part of the law was unconstitutional. It appears to me to be a singular objection for *him* to make, against carrying into effect a provision of the act which *he voted for himself* and one too, without which the Compromise Act itself would not have passed.

Mr. Calhoun, interrupting Mr. Simmons, "the Senator from Rhode Island is mistaken as to my voting for that amendment." "I can not be mistaken, he voted for it, and at the time, stated how it should be carried into effect." "I hope the Senator does not intend to misrepresent me, I voted against the amendment, but for the bill." "And I am quite certain that the Senator voted for the amendment."—"If the Senator persists in his statement, I must appeal to the Journals." Mr. Calhoun got the Journal, turned to the amendment, and stood quietly looking at the names. Mr. Simmons.—"Will the Senator read or hand me the book?" Mr. Calhoun handed over the journal without a word. Mr. Simmons.—"those who voted in the affirmative were Messrs. Clay, *Calhoun*; was that the Senator? so he sees he was mistaken." Calhoun.—"I made a speech at the time, explaining my vote." And so the matter ended.

Mr. Calhoun in person was not less than six feet, as straight as a gun-barrel, head erect, hair turned back, countenance stern, austere. I never saw him smile. As a speaker he was the model of himself, unlike all others; his style was terse, sentences short and pointed, mind eminently concentrative, he stated his positions with great clearness, and marched directly at them in the argument. He made no pretensions whatever to eloquence, if imagination he had, it was only to create the facts upon which he commented; wholly unlike Mr. Benton, he had little to do with documents, he spoke from his own authority, scorned to lean upon others; had he sworn by any man on earth, it would have been by himself. Mr. Calhoun was easily flattered. He had made his great speech in favor of the Ashburton treaty, in executive session of about an hour. He seldom spoke more than an hour; never more than two hours, on any subject. I met him as he closed, and congratulated him on the ability of his speech; from that time forward, he treated me with unusual kindness. I give an extract from one of his great speeches to show the reader both his style and the truth of my statement that his whole mind was upon the cotton interest of the South.

"But I am not ignorant that we must rely for holding the cotton market on our superior skill, industry and capacity for producing the

article. Nearly if not altogether, one-half of the solid contents of the globe is capable of producing cotton, and that too in the portion the most populous and where labor is the cheapest. We may have rivals every where in a belt of 70 degrees at least, lying on each side of the equator and extending around the globe. Not only the far East, but all Western Asia, quite to the 35th or even the 40th degree of latitude, a large portion of Europe, almost all Africa, and a large portion of this continent, may be said to be a cotton-producing region. When the price of cotton rises high, a large portion of that immense region becomes our competitor in its production, which invariably results in a great fall of price. Then a struggle follows for the market. In that struggle, we have ever heretofore succeeded, and I have no fear, with fair play on the part of our own Government, we will continue to be successful against the world. We have the elements of success within us. A favorable soil and climate, a plenty of cheap land, held in fee simple, without rent, tithe, or poor rates. But, above all, we have a cheap and efficient body of laborers, the best fed, clothed, trained and provided for, of any in the whole cotton growing region, for whose labor we have paid in advance. I say paid in advance, *for our property in our slaves is but wages purchased in advance, including the support and supplies of the laborers*, which is usually very liberal. With these advantages we may bid defiance to Hindoo and Egyptian labor, at its two or three cents a day. Ours being already paid for, is, as far as the question of competition is concerned, still cheaper, to say nothing of its superior efficiency, its better and more skillful direction under the immediate eye of intelligent proprietors, of cheap, unincumbered land, favorable soil and climate, and greater facility and cheapness of transportation to the great markets of the world. But this is not all. We have another and great advantage. There is not a people on earth who can so well bear the curtailing of profit as the Southern planters, when out of debt. A plantation is a little community of itself, which, when hard pressed, can furnish within itself almost all of its supplies. Ours is a fine provision country, and, when needs be, can furnish most of its supplies of food and clothing from its own resources. In prosperous times, when the price of our staples is high, our labor is almost exclusively directed to their production, and then we freely and liberally part with their proceeds in exchange for horses, mules, cattle, hogs and provisions of all description from the West, and clothing and all the products of the arts with the North and East; but when prices fall and pressure comes, we gradually retire on our own means, and draw our own supplies from within.

COPIES OF LETTERS.

It is not my purpose to publish many of the letters I have received from distinguished men in the course of an extensive correspondence, but I have thought a few of them might be sufficiently interesting to the general reader to find a place here.

LETTER FROM HENRY CLAY.

"Ashland, 14th September, 1839.

"My Dear Sir:

"I am desirous to obtain as accurate information as may be practicable in respect to the probable course of your State, in the approaching Presidential contest, and I know of no one who will be more likely to communicate it than yourself. I therefore take the liberty of applying directly to you, and if you will indulge me, I will state the points on which I should be glad to be informed, in the shape of the following interrogation.

"Was the result of your late elections owing to the use of my name in connexion with the Presidential office?

"Is it likely that it would have been otherwise, if my name had not been before the people as a candidate. In the event of a contest between Mr. Van Buren and me, for which will the vote of your State be probably cast. Is there any other name, and if so whose, that would more probably obtain the suffrage of your State than mine?

"Is there any reason to believe that the issue of your late election was influenced in any degree by the use of public money?

"Will your State be represented in the N. Convention which is to meet at Harrisburgh in December next?

"The information which I seek is intended as well to guide my own course, as to enable me to form some reasonable conjecture, in respect to the final issue of the existing contest. I request therefore that you will communicate with me in the utmost frankness and sincerity. I can hear accounts unfavorable to myself, with as much composure, if not with as much pleasure, as those of an opposite character. I do not wish to limit you to a strict and formal response to the above interrogations. Whatever form you may choose to give to the information with which you may favor me, will be acceptable, and thankfully received; and if you should think proper to add any which is not called for by this letter, you will increase my obligations to you.

"With great respect, I am your friend and obt. serv't.

H. CLAY."

The Hon. Oliver H. Smith.

ANSWER.

"INDIANAPOLIS, IND. September 28th, 1839.

"HON. HENRY CLAY:

"*My Dear Sir.*—Your letter of the 14th inst. which had arrived during my temporary absence, was received by me last evening, and I lose no time in answering its contents. I need scarcely premise that I shall with the utmost candor, and without concealment, give you my opinion on the subject of your communication. I am aware that you would be as incapable of asking, as I would of giving any other response. Still I am not unapprized of the delicacy of the task you impose upon me. Having long cherished for you the most friendly feelings, private and political, I have looked with an anxious eye, to the result of the late elections in this and other States, for the purpose of drawing conclusions from them, indicative of public opinion, relative to the approaching Presidential canvass, and the probable relative strength of the prominent Whig candidates, whose names will likely be presented to the NATIONAL CONVENTION. The late elections in this State are little understood abroad, they did not turn mainly upon general politics. Our system of internal improvements, and the consequent high taxes, with which the Whig cause is unfortunately identified to a great extent, although both parties have been instrumental in bringing the system upon us, has had a controlling influence and it may continue for years. The name of neither of the candidates for the Presidency had much to do with the matter, either for or against the Whig cause, still, candor compels me to say, that I greatly fear that your name would not be sufficiently potent to stem the current that has set, and is still running against us. No name under heaven would be so well calculated as yours, to stimulate your original supporters of our party to a desperate contest. But on that class who joined us under the Harrison flag we can not rely, should you be the candidate. They have not forgotten the old contest when their idol Gen. Jackson and yourself were in the field. They still retain a deep-rooted prejudice against you, repeating the oft-refuted charge of bargain, intrigue and management, between you and Mr. Adams, and they are beyond the reach of reason or arguments. In a contest between you and Mr. Van Buren in this State, it will require desperate exertions to insure our success. The party opposed to us seem to be united and moved by one common impulse, while their watch-word is Democracy, understood by few, but powerful with the masses, and however little the party is entitled to its name, it has it, and we have to meet the false issue made for us, with the additional and equally false cry of federalism ringing in our ears.

"You ask me whether there is any other name that would be more likely than yours to obtain the suffrage of this State against Mr. Van Buren. I must answer this question in the affirmative. I have no doubt but that General Harrison could get a majority of this State against Mr. Van Buren. We contemplate sending delegates to the Harrisburgh Convention in December next. I have been named as a delegate, but have declined, thinking it impolitic to do so; besides, the Senate will be in session, and I have not thought it proper to leave my seat while the body is in session, when I could avoid it. Having briefly answered your interrogations, I might here close my remarks, and would most certainly do so, were it not for the indulgent request in the latter part of your letter, and the fact that I know you will fully appreciate the motives that prompt the few additional thoughts which I submit for your consideration. Your friends in this State, with whom I have conversed, and no man ever had more ardent ones, are looking with painful anxiety to the determination of the Whig National Convention, in the selection of the candidate. If they thought your success probable, they would not hesitate in warmly soliciting your name to be placed before them as their candidate; but, they can not bear the idea of seeing you placed in a doubtful and desperate contest at this time. Still if it must be so, they will do all in their power for you, though their own political fate may be involved in the question. The opinion of your friends, here, so far as I have been able to learn it, is that you and the party have much to gain and nothing to lose by your indicating in such terms as your own good sense may suggest, your willingness or desire that Gen. Harrison may be the nominee of the Convention, he standing pledged to a single term, and by your cordial support of the General, manifested in such manner as not to cool your friends, but increase their ardor, you could do more to identify yourself with his friends in another contest at the expiration of the term, than all the electioneering your friends could do for you; while your old supporters would rally again to the standard of their first choice, now and hereafter. We have seen the result of the late Pennsylvania Whig Convention, but the sentiments above expressed were held by us before that convention was held, and are not prompted by it. If I have been more frank than the occasion required, I hope you will attribute it to an honest conviction of duty imposed upon me by your letter, connected with the portentous approaching crisis, and not to any abatement on my part, of the private and political friendship I have ever entertained for you.

"With great respect, your friend and Obt. Servt.

O. H. SMITH."

REPLY OF HENRY CLAY.

"ASHLAND, OCTOBER 5th., 1839.

"DEAR SIR.

"I duly received your favor of the 28th. ult., and cordially thank you for its interesting contents. The views which it presents will receive from me attention and deliberate consideration.

"It has been the misfortune of the Whig party, that it has so long delayed the designation of its candidate for the Presidency: that has been my opinion. The danger, increased greatly by indiscretion, now is, that when it makes a nomination, no matter of whom, some of the friends of the persons not nominated will not go for the candidate designated. This is declared to be the case with some of the friends of Gen. Harrison, without their seeming to anticipate, that it may be also the case with some of the friends of other persons who have been spoken of. Another consequence of delay, is that our party has been broken off into fragments, for if its leaders will not act, the members of the party will act for themselves; when the officers will not steer the ship, the crew will assume the command; accordingly we perceive, that not content with one General in the field, our friends have brought out another, and I assure you from all the information which I have, I am inclined to think that the last is the stronger of the two.

"I hope these unfortunate divisions will be reconciled, and that we shall unite heart and hand in supporting the person nominated by the Convention, whoever he may be; that body bringing, as its members will do, information from all quarters of the Union, must be much better qualified, than any individuals, however patriotic and enlightened they may be, to make a judicious selection. As for myself, I have no wish to be the candidate, if there be any other Whig more acceptable to the greater number than myself, nor without a high degree of probability of success. It is proper to add, that the rumors which have been circulated of my intention to withdraw are unfounded. I have reserved to myself the decision of the question, whether I will consent to the use of my name as a candidate. I mean to avail myself of the lights I can in guiding my judgment, and when I have formed a determination it will at the proper time, and in some authentic form be publicly announced. I repeat the expression of my thanks for your frank and friendly communication: and remain faithfully

"Your Friend and obedient servant,

H. CLAY."

LETTER FROM MR. CLAY.

"ASHLAND, September 7, 1840.

"MY DEAR SIR:

"Along with an invitation from the committee to attend the celebration of the Battle of the Thames on the 5th October, I received your favor of the 2d inst., uniting in requesting my attendance. I should be most happy to comply with wishes thus kindly expressed, but it is really and unaffectedly out of my power; no old plough or coal-horse ever wanted rest more than I do; and my private affairs, and my professional engagements are all needing my attention, for they have all suffered by my long absence. I have also contingently contracted an engagement to attend a celebration at the late residence of Gen. Shelby on the anniversary of the Battle of the Thames. I must therefore pray you to aid me in rendering acceptable the considerations which deprive me of the pleasure of visiting Indianapolis this Fall.

With great regard, I am respectfully yours,

H. CLAY."

The Hon. O. H. SMITH.

Mr. Clay, accompanied by Mr. Crittenden, Gov. Metcalf, Gov. Letcher and Mr. Harden, at a subsequent time, visited Indianapolis, and was met every where by the enthusiastic thousands of the people; indeed his route through the State was a perpetual ovation, all seemed to forget party, to do honor to the great man of the nation. Mr. Crittenden was my guest, and Mr. Clay was frequently with us during his short stay at the Capital.

LETTER FROM GOV. JOHN DAVIS.

"WORCESTER, MASS., October 20, 1842.

"MY DEAR SIR:

"I have received your welcome favor of the 10th, which was exceedingly acceptable, as I had long had it in my mind to write you, and invite a correspondence. I thought I saw a gleam of the rays of 1840 in the west, and my letters from Ohio, assured me in the most undoubting confidence of the success of the Whigs. Judge then of the mortifying disappointment which followed the confidence inspired by our friends. I assure you that so far as my name was concerned in the matter, it has no share in exciting these feelings, for no expectation had been raised, or desires created, that could in the smallest degree influence my sentiments. But I looked upon a successful move in Ohio as the augury, shadowing forth the future policy of the country; as in some measure settling the question, whether Tyler was to succeed in breaking up the Whig party, and carrying us back to subtreas-

ury and all the disasters of loco-policy or not. I thought the election was to turn upon the question whether we should cherish the cotton policy, or go for the labor of the free States. I thought if Ohio came in well, the policy which you have labored with great ability to sustain in Congress, would gain strength and permanence. How gloomy and unfortunate is the opposite of all this. But so it seems to be, and our friend Clay must feel deeply the result. It forebodes any thing but prosperity to the country; but if the people will have it so, all I can say is, that in my opinion they do not understand their true interests.

"Our election comes in a very short time, and if Ohio had encouraged us, we should have stood well, but as things are, what with this defeat and Mr. Webster's speech throwing cold water upon all our exertions, I can not say that a favorable result is by any means certain; we are pretty nearly balanced. The election of 1840, is not by any means a fair test, as such a number can only be got out by such excitement; and the stay-at-home voters are generally Whigs. We shall do what we can, and are pretty well drilled in contending against majorities. You may hope for the best; but our people have been so discouraged by events, that they feel as if they could see nothing to rely upon. The tariff is gradually inspiring confidence, and business will soon revive, if the prospects are not overshadowed by the probability of a return to Locofocoism. I shall be most happy to hear from you, and to know your views of the actual state of things in the West. Why is it that Mr. Clay is not sustained there? It seems as if the rank and file preferred any thing and every thing to him. I will soon write more leisurely to you, and state to you my views of things in this part of the country. Yours with great regard,

J. DAVIS."

LETTER FROM JUDGE M'LEAN.

"LOUISVILLE, KY., April 23, 1840.

"DEAR SIR:

"Some weeks ago I received a report by the judiciary committee of the Senate in relation to the Western circuits, which you had the kindness to inclose to me, and I should have written to you on the subject, had I not received a bill from Mr. Corwin, reported in the House of Representatives, which proposed a different arrangement of my circuit. Having lived in Ohio from the time I was ten years old, I should regret very much now to be divorced from the State in the discharge of my judicial duties, unless the change should be desired by the bar, and the people of the State, and you must pardon me for expressing a hope that the proposed arrangement will not be insisted upon.

I am not aware that Congress has at any time thrown a judge from

his own State, which originally constituted a part of his circuit; and I hope that I shall not be made the first victim of such an arrangement. If Michigan be taken from my circuit, and Missouri or Kentucky substituted, I shall not complain of the labor: when a vacancy shall occur in either of the circuits, of Baldwin, Taney, or Barbour; they can be reduced to two and a third judge given to the West. Such an arrangement will meet the wants of the country, for thirty years to come; and until the above contingency shall occur, the arrangement proposed by the bill reported in the House of Representatives will be sufficient for the public service. In going to and returning from Mobile, Wayne will have to travel some 1400 miles. The court at that place in a year or two, will not require more than two weeks, and Mobile is within twelve hours sail of New Orleans. Florida must of course in a short time, be added to Wayne's circuit.

"I shall be satisfied with any arrangement that does not banish me from my own State. My residence in the vicinity of this place at my son-in-law's, is temporary. I have no intention of abandoning my citizenship in Ohio. Very truly yours,

Hon. O. H. SMITH. JOHN McLEAN."

LETTER FROM JUDGE STORY.

"WASHINGTON, March 5, 1838.

"DEAR SIR:

"I return you my thanks for your kindness in sending me a copy of your late speech in the Senate upon a topic of national interest, and which you have treated with the ability and comprehensiveness belonging to its merits. I should have done so before, but my engagements in the business of the court allow me but little leisure, while I am here to read any thing but law; I am usually compelled to postpone the perusal of other things until my return home. Mr. T. A. Howard addressed to me a letter which you were so good as to transmit to me this morning. May I ask the favor that you would transmit my reply, as it concerns matters interesting to him. I have the honor to remain with the highest respect, Yours,

JOSEPH STORY."

The Hon. OLIVER H. SMITH.

LETTER FROM GENERAL CASS.

"DETROIT, May 24, 1847.

"DEAR SIR:

"Since I wrote you a few days since, respecting the purchase of goods for the Indians, circumstances with the details of which I need

not trouble you, but arising out of imputations, with which I may be assailed, if I interfere with the direction of these purchases, as I am informed by letter received yesterday from Indiana, have induced me to transfer the whole matter to Gen. Tipton. I have been authorized by the war department to turn the money over to him, and to refer the subject to his discretion. He is upon the spot, and is able to manage as well, and in fact better without my interference than with it. I have endeavored to apportion the amount to be purchased among the various applicants, and had so informed Gen. Tipton. But this is now annulled, for I can not consent to subject myself to imputations where I am too little known to derive any protection from my life and character, and whence I am too far removed to meet and repel them. I therefore wash my hands of the whole transaction. Gen. Tipton will no doubt manage it zealously and faithfully. After asking your advice upon this subject I considered this explanation due to you.

"With much esteem I am sir, your ob't. serv't.

LEWIS CASS."

Hon. O. H. Smith.

LETTER FROM HENRY CLAY.

"Ashland, 10th July, 1842.

"My Dear Sir:

"I thank you for your kind letter which affords evidence of your friendly recollection. I am delighted to hear of the fine spirit which prevails among the Whigs in Congress, notwithstanding the perfidy of the President. I am also gratified to learn that they will pass a good permanent Tariff. I sincerely hope, in the new aspect which the question has assumed, that is whether laws shall emanate from Congress, or from Mr. Tyler—our Georgia friends will rally around the independence of the Legislature. I think that if this permanent tariff also shall receive the veto, the next step which I understand is in contemplation, that of passing a tariff, limited to 20 per cent. with a provision for a good home valuation is wise and judicious. I think Congress ought not to adjourn until it passes a tariff, or demonstrates to the country that it can not pass one without a surrender of its constitutional independence. You will be threatened with a veto. But disregarding all such threats, I would vote for that measure which according to my own sense of duty, I thought right, whatever may be the opinion of Mr. Tyler: that is the only course by which you can secure your own approbation, and the support of the country.

Present my best respects to your colleague, and to your neighbor Mr. Huntington, of Connecticut. I am truly

H. CLAY."

The Hon. O. H. SMITH.

LETTER FROM A. C. DODGE.

"BURLINGTON, Iowa Territory, May 26, 1841.

"MY DEAR SIR:

"I am charged by many enemies, with not having stood up for the rights of Iowa, while acting as her delegate last winter, in regard to the disputed boundary between our Territory and the State of Missouri, and some of them have even gone so far as to contend, that I am unqualified for delegate because of the relationship which exist between Senator Linn, of Missouri, and myself. It has also been charged in one of the newspapers opposed to me, that I should have, but *did not*, protest against the passage by the Senate of the bill submitted by the Legislature of Missouri; though her Senators and Representatives entitled a bill for the final and peaceable settlement of the boundary difficulty between said State and the Territory of Iowa, and further, that I did not exert myself to have its provisions made more favorable to Iowa than they were as drawn by the Legislature of Missouri, or in a few words, that I was wholly derelict in my duty and allowed Dr. Linn to say and do what he pleased uncontroverted by me. This you know to be untrue and unjust to me, and I do therefore most earnestly request that you will please favor me with a letter giving a candid statement of my course, in reference to the subject above mentioned, so far as it came under your observation. This I feel the more emboldened to ask of you because of your uniform, kind and gentlemanly treatment during our brief acquaintance; you having been a member of the committee of the judiciary of the Senate. And for your kindness and friendship toward my Territory I shall feel the utmost gratitude. You are enabled to speak knowingly on the subject of my conduct, as it came under your observation; and your observations and declarations will have no little weight with the people of Iowa, many of whom know you personally, and I may say that all do by character, and that they would repose the utmost confidence in any thing coming from you. All that I ask is justice. Please let me hear from you soon.

"I am sir, with high considerations of respect and esteem, your ob't. serv't. A. C. DODGE."

Hon. OLIVER H. SMITH.

The answer to the above letter placed the distinguished gentlemen referred to, upon grounds of honorable independence of each other in the matter referred to, no two Representatives of these different interests could have acted more firmly and independently than they did. Dr. Linn has long since deceased, and General Dodge is at this time the representative of this government near the Court of Spain.

LETTER FROM HENRY CLAY.

"ASHLAND, 11th Nov., 1842.

"MY DEAR SIR:

"I have this moment received your friendly letter. Your suggestions as to the cause of our defeat at recent elections are I think weighty and just. There is good reason to believe that when there is a single and direct contest between two candidates and only two, a different result will happen; we shall then be aided too by all intervening measures of our opponents, in States where they have acquired the Legislative ascendency.

"I am truly concerned that any doubt should remain of your election. When I left you, I had other hopes and impressions, and shall trust that your apprehensions may not be realized; although I agree with you that at present, a private station is the post of honor and profit.

"I expect to go in eight or ten days to Louisiana, where I expect to remain the greater part of the winter, and where I shall be glad to hear from you at Washington. In the meantime, I remain,

"Truly your friend,

H. CLAY."

The Hon. O. H. SMITH.

The result of the senatorial election referred to by Mr. Clay shewed the correctness of my anticipations. I was defeated by Mr. Hannegan succeeding over General Howard and myself; that election will be found in a separate sketch.

TRIAL OF ISAAC HELLER.

The trial of the State of Indiana against Isaac Heller for the murder of his wife and three small children, came on at the spring term, 1836, of the Union Circuit Court, Samuel Bigger president judge, Swan and Ogden associate judges. William J. Brown, circuit prosecuting attorney, assisted by James Perry, for the State. Martin M. Ray and Samuel W. Parker appeared, by appointment of the Court, for the prisoner. The jury was obtained with much difficulty. The case was brought on for trial at the first term after the killing took place, of which the counsel for the prisoner loudly complained, on the ground that the public excitement had not time to subside, and beside sufficient time had not been given to counsel to prepare for such a defense. The facts were incontrovertible; there was a single ground of defense only that could be set up, that of *Insanity*. The case was prosecuted with great ability, and defended with all the power of the able counsel for the prisoner. Mr. Parker at that day was young, ardent, zealous and eloquent; for over two hours he addressed the jury, in the most impassioned, pathetic eloquence, showing the impossibility of the mind of the prisoner being sane, when he killed his own beloved wife and dear children. The prosecuting attorney, Mr. Brown, had the closing speech; the bloody clothes of the wife and children lay on the table before the jury, the last appeal to the jury was conclusive. The Court charged the law ably and clearly, but the die was cast, the fate of Heller was sealed. A verdict of guilty of murder in the first degree followed; motion for a new trial overruled; judgment on the verdict, and Isaac Heller was publicly executed at Liberty, on the 29th day of April, 1836.

As this is a case of importance to the courts and bar, I give the facts as received from Mr. Parker, one of the counsel engaged on the trial; I was not present myself. I do this the more willingly, as the facts now stated will revise and correct the brief statement I made, when presenting this case in my published sketches in the Indianapolis Daily Journal.

"On Saturday, the 27th of February, 1836, the village of Liberty, Union County, was shocked with the intelligence that Isaac Heller, a man living about a mile and a half east of the place, had killed his whole family, wife and three small children; after completing their destruction, he had fled from the house. The neighbors soon learned the fatal occurrence, set off in pursuit, and overtook him about eight miles from his house; apprehended him, he making no resistance, and without the least hesitation acknowledging his guilt.

"Heller had been tried once before, in the State of Pennsylvania, for murder, and had been acquitted on the ground of *insanity*. He was then an unmarried man; jumped from his bed in the night time, alarmed the family where he lived, screaming 'the kingdom of heaven is at hand.' The fated girl had concealed herself under the bed; he searched, found her, went up stairs, took his pocket-knife from his pocket, returned, pulled the little girl from her hiding-place, and severed her head from her body with the knife. Telling the facts of this case to one of his neighbors shortly before the last killing, he said, 'I have long had it in my mind to kill my family, but have not as yet quite made up my mind to do it. If I should, I think it very likely I should come right off and kill you and your family.'

"After he was acquitted in Pennsylvania of the first killing, on the plea of insanity, he came to Indiana, married, had three children, was much attached to his family. For some years he appeared entirely sane; joining the church of the United Brethren, he took part in their meetings, made repeated efforts to preach, neglected his business, was soon without property, and neglected to provide for his family. During the last two years he frequently acted like a wild man—was twice taken into the care of the overseers of the poor, and pronounced on these occasions insane by the physicians. During the last six months, he almost entirely quit labor, except chopping a little wood for his own fire. Would sit day and night in his cabin with his head down, apparently in a deep study, picking his finger nails, and occasionally the flesh of his hands, until the blood came. He frequently expressed to his wife and some neighbors, great horror of the poor house, stating he would rather die than be separated from his family. On the morning of the killing, a neighbor called to see him, and found things looking much more cheerful than usual. Heller seemed much more free to talk, and did talk considerable about his feeling better than he had for some time, and about renting some land, and going to work on it. A sister of Mrs. Heller, about nine years old, was living in the family. After the neighbor left, a man passed along the road; Heller watched carefully until he got out of sight. Mrs. Heller was sitting by the fire with a sun-bonnet on, nursing her infant, about a month old. Heller took his ax from under the bed, went to the fire-place, rubbing his fingers over the edge; his wife asked him what he was going to do. He replied, he was going to chop wood. The wife then told the children to get some apples out from under the bed; the little ones crawled under the bed; the little sister-in-law stood near, looking at Heller. She saw him raise the ax and strike his wife a full blow about the chin and neck. Seeing this,

she sprang to the door, opened it, and fled to the next neighbor's, crying murder as she ran. After she had got some two hundred yards, she saw Heller coming round the corner of the house looking for her.

"Heller told how he went back to the house; his little son was coming to him; he split him down with the ax, and chopped his head off; dragged his little daughter from under the bed, placed his foot upon her breast, and as she raised her hands for protection, at one blow severed the fingers from one hand, and nearly took off her head. He then rolled the mother off her infant, cut its head off, and fled. There was snow on the ground; his bloody tracks were easily traced for some distance—his steps showed that he had fled in a run. After going about one hundred and fifty yards, he fell down, got up, and continued his rapid flight some quarter of a mile; having reached the highway, he kept it some three quarters of a mile, then took a lane a short distance, then took through a strip of woods, again entering the highway; and was arrested near the Ohio State line. Made no resistance; returned without objection, confessed the whole matter, expressed no regrets, assigned no cause for the bloody deed, nor did he ever assign any particularly. He then talked, and continued to talk, about the matter, without the least hesitancy or compunction. A number of clergymen attended him on the scaffold. The Rev. Mr. Beswick prayed, and the Rev. Mr. Ball preached an impressive sermon. Heller then addressed the crowd for the space of twenty-five minutes; his voice was loud and clear, and his manner bore every indication of composure. He gave a short history of his life, condemned the crime for which he was about to suffer, as one of the most aggravated, and horrible that human nature could perpetrate. Spoke in the highest terms of his wife and family, and warned the crowd in the most impressive manner to avoid even the first inducement to crime, and not to suffer themselves, as he had been, to be drawn from the path of virtue to the scaffold, by listening to the suggestions of the Evil One. He expressed a hope that he had received pardon from his God for the crimes he had committed, although his crime was as great as it was unnatural."

The editor of the "Star and Banner" of Liberty, in giving the above statement of the scene at the execution, adds, "Perhaps the deed for which he has suffered stands unparalleled in the annals of crime, yet he has now attoned for his offense. Justice is satisfied; and will not his fellow-beings be also? Let the grave close over him, but let not his fate, and the solemn warning he gave on the scaffold, be forgotten."

My friend, Mr. Samuel W. Parker, in giving me the facts of this case, very justly says, "More than twenty-one years have passed since this

trial; the plea of *insanity* is now better understood and appreciated than it was then. The worse feature in the case, it has always struck me, was the *short time* from the killing to the trial, and then to the execution; but the prisoner was without money or friends, his crime chilled the heart's blood of all around him, and the cry of crucify him, was relentless, though the Court, jury and counsel were cool, calm, and patient throughout the trial. But, I confess, I never felt right about the matter. I was then quite young in my profession, had not a moment for preparation, but I never made a two hours argument to a jury in my life, with more zeal, and more to my own satisfaction, than on that occasion. And so I labored again with the Court on the next morning for a new trial. My struggle, and that of Mr. Ray, the senior counsel, throughout, was to establish the plea of *insanity* of the prisoner."

No person at this day can look over this case, without at once concurring with the able counsel for Heller, that he was not an accountable being under the laws of the country, that he should have been acquitted on the ground of *insanity*. The Court should have set aside the verdict, granted a new trial, and continued the cause until the next term, to give time to the people to quiet their feelings, and come up to the trial under the majesty of the law, rather than that of retaliatory justice. I knew the judge well; he intended to do right, but he was young on the bench, the jury had convicted Heller of murder in the first degree, and he did not feel that he ought to set aside the verdict, merely because he differed from the jury. He was wrong, and Heller suffered death on the scaffold for an act committed in a state of *insanity!*

COL. WILLIAM C. PRESTON.

Among the distinguished Senators who composed the body while I was a member, it affords me pleasure to introduce to the reader, Col. William C. Preston of South Carolina; the colleague of John C. Calhoun. In person he was tall and commanding, over six feet, face of a fine mold, hair sandy, flowing gracefully over his broad high forehead, eyes gray, and rather sunken, walk majestic, though stooping slightly. Col. Preston stood among the finest speakers of the Senate, a little inclined I thought to declamation. Still, with the galleries and those who are charmed with the highest class of declamation, he stood first among the first of that distinguished body. The Colonel received a classical education, was a matured and finished scholar, and always spoke in high terms of his *Alma Mater*. He was president of the South Carolina College, many years.

I had become very intimate with the Colonel. He abounded in anecdotes and fine stories. We were frequently together in the passage back of the president's chair. On one occasion, Mr. Clay, Mr. Webster and Col. Preston were seated in conversation, when I joined them. The subject was "true eloquence." I heard each of those distinguished Senators define it, as he understood the term. Col. Preston, turning to me—"Mr. Smith, what is true eloquence?" "I am not able to define it satisfactorily to myself, but if you will pardon me, I will tell you what the world thinks *it is not*, by referring to your speech the other day, on the bill for the relief of the heirs of Hall." Mr. Clay. —"let us hear it." "You know Col. Preston, as chairman of the committee of military affairs, made an eloquent speech last week, in support of a bill granting relief to the heirs of Hall, for the use of his improved rifle, by the United States.

"While he was speaking, the agent of the heirs was sitting in the gallery, listening to the speech. The vote was taken, and the bill received just six votes; I voted against the bill. The Senate adjourned. I had dined, when the agent called at my room, and earnestly requested me to move a reconsideration. I told him it would do no good, as the bill could not pass; he looked imploringly at me. 'All I ask is, that you will move to reconsider, and just tell the Senate what the merits of the bill are.' 'Did you not hear the eloquent speech of Col. Preston?' 'Yes, I heard it; but the truth is, Col. Preston is so eloquent that the Senate can not understand him.'" With a hearty laugh we separated. The Colonel often asked me afterward, with a smile, when he closed his brilliant speeches, if I thought his eloquence beyond the comprehension of the Senate.

I deem it proper to give to the reader of these sketches, brief extracts from speeches of these distinguished men, showing the character of their minds, and their style in debate. Their politics are another matter.

EXTRACT FROM A SPEECH OF COL. PRESTON.

"Mr. Preston said, that in the course of the discussion on the loan bill, he did not think that the facts which occasioned its introduction, and made its passage necessary, were sufficiently borne in mind. They were of a very important and imperious character, and could not be put with too much emphasis. The Government is out of money, and out of credit—it is in a bankrupt condition. Its paper has been protested, and its indorsers held responsible for ruinous liabilities. Treasury notes are at a discount of five per cent, and the creditors of the Government are thus paid in a depreciated paper, a less amount than they have earned, and we have stipulated to pay. It is at once tyranny and fraud—a violation of contract by the force of power. We should understand our position, and not mince words in stating it.

"The Government stands discredited and dishonored. The person and the property of an individual, under such circumstances, would be seized by the minions of the law. This disgrace has penetrated, and is felt throughout all the ramifications of the Government, and taints every agent of it, even in foreign countries; for drafts of our functionaries abroad have gone back protested, proclaiming to the world our shameful condition. This is a serious injury to our country. We all—every one of us—are soiled by it; and feel our citizenship with a less proud and lofty sentiment of patriotism. The pride of country is a main pillar of republics. National honor is a very substantial thing, and ought to be cherished and preserved not less scrupulously in discharging the homely duties of good faith and honesty, than in the presence of foreign nations, or on the battle-field. From some cause or other we have permitted it to be touched, and we should hasten, with eager solicitude to redeem it. I could have hoped sir, that in this acknowledged condition of things, under a pressure of disastrous emergency, we should have addressed ourselves with one consent, to the application of the remedy, without wasting time in ascertaining the cause, or denouncing the authors of the evil in bitter and unavailing recriminations, when it is manifest that, whosesoever the blame, it is a common calamity of our common country, which should be redeemed by a united and vigorous effort of all who love that country or value its honor.

"The case is hardly less pressing, than if our flag was borne down in the tide of battle, and we paused in the rescue, to settle some personal

differences. I am sorry to see this, like every other occasion seized upon to indulge in partisan assaults and common strifes; and that the gentlemen of the opposition should think proper to assail us, and throw themselves upon us, and incumber us with difficulties, and call off our attention, by taunts and revilings, at the instant we are advancing with all possible speed to so sacred an object. I will pause a moment, and but a moment to dispose of these assailants, so much more intent on attacking us than relieving the country. They say that all this is our doing; that our prodigality has created the debt; that our want of forecast has failed to provide for it; and that it is we who have destroyed the public credit. If it were so—if our folly or our crime has brought on this state of things—can the Senators of the opposition find, in reason, humanity, or patriotism an excuse for their lethargy, or rather active hindrance of our exertions?

"But what shall be said or thought of their conduct, when it is known as everybody does know, that the country is brought to this pass, by their own mismanagement, by years and years of misgovernment, prodigality and recklessness, and that we, the Whigs, have been but this moment sent, by an indignant and suffering people, to relieve the body politic from the ruinous course of their empiricism? Both the Senator from Pennsylvania (Mr. Buchanan), and the Senator from New Hampshire (Mr. Woodbury), charge upon us the mighty evils which oppress the people, and that we, in thirteen months, and not yet at the end of the first Constitutional Congress, have done all this. Sir, this vigorous and young republic could not be thus struck down at one blow; these gray hairs are not of one night's growth; this decrepitude, is not of paralysis, but of long and wasting disease, aggravated by unskillful treatment and deleterious drugs, requiring time as well as potent remedies to effect a cure. Where is that country which the mistaken confidence of the people intrusted to them five years ago? Where that overflowing Treasury, that cornucopia of commerce; that abounding agriculture? Did you give them back to us as you received them, or in their stead chaff and husks?

"One thing at least is clear, that the wretched system of Government paper which is now terminated, as all systems of Government paper must terminate inevitably, in depreciation and bankruptcy, was of their begetting and nourishing. They began it—they instituted the system of Treasury notes. The late administration is the first in the history of our Government, that in time of profound peace, was compelled to resort to borrowing, and chose that most fallacious, dangerous and ruinous mode of borrowing by the issue of Treasury notes. They destroyed the equilibrium between expenditures and income, and thus

deranged the whole financial order. From the beginning, they have lived and had their being on Treasury notes. To use the word of the Senator from New Hampshire, more expressive perhaps than pure, they fed their spendthrift-nest throughout on this paper. Session after session they rushed into this hall, proclaiming that the country was in danger; that the Treasury was empty; that credit would fail; and begging and supplicating for a few more Treasury notes. They were always in debt, and paid by giving their notes. After the first terrific explosion in 1837, the Treasury was a mere crater, which no man might look into, throwing up at irregular periods, masses of Treasury notes, with flashes of lurid light from the agonized Secretary, who writhed below like the giant under Etna.

"It is curious and mournful to see what an amazing extent of widespread and multifarious embarrassments they transmitted to us—a general pressure and bankruptcy; a deplorable relaxation of morals; a rotten navy; an army exhausted by ineffectual toils, and thinned by malignant diseases; a treasury empty and discredited; a system of finance exploded; a miserable, inglorious and most expensive war with savages, and all around the horizon of our foreign relations, angry and darkening elements. Yes sir, in respect to our foreign relations every difficulty has been inherited from our predecessors—every one.

"The Senator (Mr. Buchanan), whispers the Creole case; even that is not new. Here are the northeast boundary and the northwest boundary questions, of many years standing, and with difficulties which necessarily augment by time and neglect. Here is the Caroline case, in regard to which the patriotic wrath and fury of the gentlemen, after having been securely bottled up for three years, has lately burst out with so much foam and splutter. You saw your vessel in flames—you saw the smoking blood of your murdered citizen—you looked down on his mutilated body, whirled about in the eddies of Niagara, and calmly referred for redress to distant and equivocal negociation; and when years had passed by, and indignation cooled, and sorrows subsided, *and you were no longer responsible*, your wailings broke forth; your indignation burst into spontaneous combustion, and you were ready 'to weep, to fight, to tear thyself, to drink up Eisel and eat a crocodile.

"As to the Creole, you left us that too; for precisely the same questions and principles were involved in the Bermuda cases of the Comet and the Enterprise, the negociations upon which (ably conducted no doubt), by a distinguished and lamented Secretary, terminated in a rejection by the British Minister, of a proposition to permit our vessels under certain circumstances, to lie in the roadstead under the guns of British forts, because such service would be dishonorable to British affairs.

SWORD OF WASHINGTON AND STAFF OF FRANKLIN.

I HAVE thought the reader might like to see a sketch of the presentation of the sword of Washington, and the staff of Franklin, in the House of Representatives, of the United States, in February, 1843. I witnessed the scene, it was truly imposing. The House was filled to overflowing, the galleries a jam, the President and Cabinet, the Supreme judges, the foreign Ministers, and crowds of citizens, filled every aisle. George W. Summers, one of the most distinguished representatives of Virginia, was selected by the donors to present the sacred relics to Congress, and John Quincy Adams was expected to second Mr. Summers. The address of Mr. Summers, and the remarks of Mr. Adams, were so brief and full of interest that I give them entire to the reader.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

WASHINGTON, February 7th, 1843.

MR. SUMMERS, one of the Representatives from the State of Virginia rose, and addressed the House as follows:

"Mr. Speaker; I rise for the purpose of discharging an office not connected with the ordinary business of a Legislative assembly. Yet, in asking permission to interrupt for a moment the regular order of parliamentary proceedings, I can not doubt that the proposition which I have to submit will prove as gratifying to the House as it may be unusual.

Mr. Samuel T. Washington, a citizen of Franklin county, in the Commonwealth of Virginia, and one of my constituents, has honored me with the commission of presenting in his name and on his behalf, to the Congress of the United States, and through that body to the people of the United States, two most interesting and valuable relics connected with the past history of our country, and with men whose achievments both in the field and in the Cabinet, best illustrate and adorn our annals. One is the sword worn by George Washington, first as a colonel in the Colonial service of Virginia, in Forbes' campaign against the French and Indians, and afterward during the whole period of the war of Independence as Commander-in-chief of the American army. It is a plain couteau or hanger, with a green hilt and silver guard. On the upper ward of the scabbard is engraven, 'I. Bailey, Fish Kill.' It is accompanied by a buckskin belt, which is secured by a silver buckle and clasp, whereon are engraven the letters 'G. W.' and the figures '1757.' These are all of the plainest workmanship, but substantial and in keeping with the man and with the times to

which they belonged. The history of this sword is perfectly authentic, and leaves no shadow of doubt as to its identity. The last will and testament of General Washington bearing date on the 9th day of February, 1799, contains, among a great variety of bequests, the following clause.

"'To each of my nephews, William Augustine Washington, George Lewis, George Steptoe Washington, Bushrod Washington and Samuel Washington, I give one of the swords or couteaux of which I may die possessed; and they are to chose in the order they are named. These swords are accompanied with an injunction not to unsheathe them for the purpose of shedding blood, except it be for self-defense, or in defense of their country and its rights, and, in the latter case, to keep them unsheathed, and prefer falling with them in their hands to the relinquishment thereof.'

"In the distribution of the swords hereby devised among the five nephews therein enumerated, the one now presented fell to the share of Samuel Washington, the devisee last named in the clause of the will which I have just read.

"This gentleman, who died a few years since, in the county of Kanawha, and who was the father of Samuel T. Washington, the donor, I knew well. I have often seen this sword in his possession, and received from himself the following account of the manner in which it become his property in the division made among the devisees. He said that he knew it to have been the side-arm of General Washington during the Revolutionary War; not that used on occasions of parade and review, but the constant *service sword* of the great chief; that he has himself seen Gen. Washington wear this identical sword, he presumed for the last time, when, in 1794, he reviewed the Maryland and Virginia forces, then concentrated at Cumberland under the command of General Lee, and destined to co-operate with the Pennsylvania and New Jersey troops, then assembled at Bedford, in suppressing what has been called the 'Whisky Insurrection.' Gen. Washington was the President of the United States, and as such was commander-in-chief of the army. It is known that it was his intention to lead the army in person upon that occasion had he found it necessary, and he went to Bedford and Cumberland prepared for that event. The condition of things did not require it, and he returned to his civil duties at Philadelphia. Mr. Samuel Washington held the commission of a captain at that time himself, and served in that campaign, many of the incidents of which he has related to me. He was anxious to obtain this particular sword, and preferred it to all the others, among which was the ornamented and costly present from

the great Frederick. At the time of the division among the nephews, without intimating what his preference was, he jocosely remarked, 'that inasmuch as he was the only one of them then present who had participated in military service they ought to permit him to take choice.' This suggestion was met in the same spirit in which it was made, and the selection being awarded him, he chose this, the plainest, and, intrinsically, the least valuable of any: simply because it was the 'Battle Sword.' I am also in possession of the most satisfactory evidence furnished by Colonel George C. Washington, of Georgetown, the nearest male relative now living of General Washington, as to the identity of this sword.

This information, as to its history, was derived from his father, William Augustine Washington, the devisee first named in the clause of the will which I have read; from his uncle, the late Judge Bushrod Washington, of the Supreme Court; and Major Lawrence Lewis, the acting executor of General Washington's will—all of whom concurred in the statement that the true *service sword* was that selected by Captain Samuel Washington. It remained in this gentleman's possession until his death, esteemed by him the most precious memento of his illustrious kinsman. It then became the property of his son, who, animated by that patriotism which so characterized the 'Father of his Country,' has consented that such a relic ought not to be appropriated by an individual citizen, and has instructed me, his representative, to offer it to the nation, to be preserved in its public depositaries as the common property of all, since its office has been to achieve and secure the common liberty of all. He has, in like manner, requested me to present this cane to the Congress of the United States, deeming it not unworthy the public acceptance. This was once the property of the philosopher and patriot, Benjamin Franklin. By a codicil to his last will and testament, we find it thus disposed of:

"'My fine crab-tree walking-stick, with a gold head, curiously wrought in the form of the cap of liberty, I give to my friend, and to the friend of mankind, General Washington. If it were a scepter, he has merited it and would become it.'

"General Washington, in his will, devises this cane as follows: *Item.* 'To my brother, Charles Washington, I give and bequeath the gold-headed cane left me by Dr. Franklin in his will.' Captain Samuel Washington was the only surviving son of Charles Washington, the devisee, from whom he derived, by inheritance, this interesting memorial; and having transmitted it to his son, Samuel T. Washington, the latter thus seeks to bestow it worthily, by associating it with the battle

sword, in a gift to his countrymen. I cordially concur with Mr. Washington in the opinion that they each merit public preservation; and I obey, with pleasure, his wishes in here presenting them, in his name, to the nation. Let the sword of the hero and the staff of the philosopher go together. Let them have place among the proudest trophies and most honored memorials of our national achievements.

"Upon that staff once leaned the sage, of whom it has been said, 'He snatched the lightning from heaven, and the scepter from tyrants.' A mighty arm once wielded this sword in a righteous cause, even unto the dismemberment of empire. In the hand of Washington, this was 'the sword of the Lord, and of Gideon.' It was never drawn except in the defense of public liberty; it was never sheathed until a glorious and triumphant success returned it to the scabbard, without a stain of cruelty or dishonor upon its blade; it was never surrendered except to that country which bestowed it.

Mr. JOHN QUINCY ADAMS, one of the Representatives from the State of Massachusetts, then addressed the House as follows:

"In presenting the resolution which I hold in my hand to the House, it may, perhaps, be expected that I should accompany it with some remarks suitable to the occasion; and yet, sir, I never rose to address this House under a deeper conviction of the want of words to express the emotions that I feel. It is precisely because occasions like this are adapted to produce universal sympathy, that little can be said by any one, but what, in the language of the heart, in tones not loud but deep, every one present has silently said to himself. My respected friend from Virginia, by whom this offering of patriotic sentiment has been presented to the Representative Assembly of the nation, has, it seems to me, already said all that can be said suitable to this occasion. In parting from him, as, after a few short days, we must all do, it will, on my part, be sorrowing that, in all probability, I shall see his face and hear his voice no more. But his words of this day are planted in my memory, and will there remain till the last pulsation of my heart. The sword of Washington! the staff of Franklin! Oh! sir, what associations are linked in adamant with those names! Washington the warrior of human freedom—Washington, whose sword, as my friend has said, was never drawn but in the cause of his country, and never sheathed when needed in his country's cause! Franklin, the philosopher of the thunder-bolt, the printing-press, and the plough-share! What names are these in the scanty catalogue of the benefactors of human kind! Washington and Franklin! What other two men, whose lives belong to the eighteenth century of Christendom, have left a deeper impression of themselves upon the age in

which they lived, and upon all after time! Washington, the warrior and legislator! In war, contending by the wager of battle for the independence of his country, and for the freedom of the human race; ever manifesting, amid its horrors, by precept and example, his reverence for the laws of peace, and for the tenderest sympathies of humanity; in peace, soothing the ferocious spirit of discord, among his own countrymen, into harmony and union, and giving to that very sword now presented to his country, a charm more potent than that attributed in ancient times to the lyre of Orpheus. Franklin! the mechanic of his own fortune, teaching in early youth, under the shackles of indigence, the way to wealth, and in the shade of obscurity the path to greatness; in the maturity of manhood, disarming the thunder of its terrors, the lightning of its fatal blast, and wresting from the tyrant's hand the still more afflictive scepter of oppression: while descending into the vale of years, traversing the Atlantic ocean, braving in the dead of winter the battle and the breeze, bearing in his hand the charter of Independence, which he had contributed to form and tendering, from the self-created nation to the mightiest monarchs of Europe, the olive branch of peace, the mercurial wand of commerce, and the amulet of protection and safety to the man of peace on the pathless ocean, from the inexorable cruelty and merciless rapacity of war. And finally, in the last stage of life, with fourscore winters upon his head, under the torture of an incurable disease, returning to his native land, closing his days as the chief magistrate of his adopted Commonwealth, after contributing by his counsels, under the Presidency of Washington, and recording his name, under the sanction of devout prayer invoked by him to God, to that Constitution under the authority of which we are here assembled, as the representatives of the North American people, to receive, in their name and for them, these venerable relics of the wise, the valiant, and the good founders of our great confederated republic—these sacred symbols of our golden age.

May they be deposited among the archives of our Government! and may every American who shall hereafter behold them, ejaculate a mingled offering of praise to that Supreme Ruler of the universe, by whose tender mercies our Union has been hitherto preserved through all the vicissitudes and revolutions of this turbulent world, and of prayer for the continuance of these blessings, by the dispensations of his Providence, to our beloved country, from age to age, till time shall be no more!

LEVI WOODBURY.

I BECAME personally acquainted with Judge Woodbury the subject of this sketch, when he took his seat in the Senate of the United States, as the colleague of Franklin Pierce. Judge Woodbury brought with him to the Senate, a high reputation for industry, strong common sense, and great financial ability, with a long and matured experience on the Supreme Bench of his own State, and as Secretary of the Treasury of the United States: as a speaker, he was not known. In person Judge Woodbury was about the common hight, heavy and strongly built, large chest, broad across the shoulders, short neck, capacious brain, head bald, retreating forehead, thin hair on the back of his head, features fine, eye-lashes heavy, blue sunken eyes. His countenance expressed much study and continued mental labor. The first time he rose to speak, all eyes were upon him. I listened to him with much interest. I had heard all the other distinguished Senators, and I was then about to hear one of the favorite sons of New England.

He commenced calmly and slowly, clear, plain, and distinct in his annunciation, and without the least attempt at what is termed eloquence; as he progressed he warmed with his subject, his voice rose, higher and higher, until he filled the chamber; he became more and more interesting as he developed his powers: they were not those of impassioned eloquence, his was the eloquence of facts and conclusions, presented in plain, vigorous language, understood by all. His mind had so long dwelt upon figures and finance, that it was not expected that he would plunge into the whirlpool of exciting political debate, that sometimes rocked the Senate from center to circumference. His was the field of usefulness. He was emphatically a working utilitarian, with little imagination, except what was closely connected with the facts with which he was dealing. Judge Woodbury, like all the other great men of our nation was made so by self-labor, no man is created great, any more than the main-spring of the watch is created by nature alone. It is labor that makes both. I have often thought that Mr. Wirt's life of Patrick Henry had done much injury, as it seemed to say, that study and preparation, were not essential to true greatness. If Patrick Henry was an exception to the rule, which I very much doubt, it was one that it will not do for our young men to follow, unless they are sure that they are by nature Patrick Henrys.

I give an extract from a speech of Judge Woodbury, that the reader may see his style.

EXTRACT FROM HIS SPEECH ON THE LOAN BILL.

MR. PRESIDENT:—All admit that this is an alarming exigency in our financial affairs. The bill on your table, as well as the proposed amendment to it, both look to the dire necessity of borrowing something, not only in a period of profound peace, but at a moment when our credit has suddenly become depreciated; friends and foes must, therefore, be anxious to effect a loan on the best terms which are practicable. As a general rule, the loan should be small in amount as possible, and the best terms would certainly be the lowest rate of interest and the shortest period which are attainable in so critical a position. We can hardly appreciate the change, in that position and its present deplorable character, unless we advert to our situation one short year ago, with no permanent debt of our own, with a small temporary one of only five or six millions, and that above or at par, with a reduced and reducing expenditure, with a revenue from lands and customs, ample under slight revisions in the latter to meet such an expenditure, and extinguish the whole debt, and with a national credit untarnished, undepreciated, and unsuspected.

If, more in sorrow than in anger, or in party reproach, we contrast that lofty position with what now stares us in the face—a hideous mass of large permanent debts, and a still larger temporary one—greatly increased expenditures, depreciated stocks, and protest on protest for non-payment of ordinary demands, as well as temporary loans, our hearts must recoil at the sight. When we look further, and see the whole land-revenue squandered, and an impossibility of getting onward in such a ruinous career, without further disgrace—further acts of bankruptcy, or further loans at rank usury—it all admonishes us solemnly that something wrong must have produced such disasters, and that something new and efficient must be adopted to remove them. Let us examine the subject, then, in a manner which an emergency so calamitous demands, rising for once above party or the mere politics of the day, and forgetting every thing but what is required of us as statesmen, patriots, and Senators. I shall, therefore, forbear to criminate or recriminate; and in such a condition of peril to the country, and its high character, I will devote my whole efforts to discover the best mode of relief through a loan, which appears to comport with public honor and public safety; and which, at the same time, bids fair to be crowned with success. Hence, I am willing to overlook every consideration of form in this bill, and every subordinate objection, if only the main features of it can be made such as are most likely to insure a creditable escape from present ignominy. I say nothing,

then, as to the extension of the time for a year or two, within which the loan must be made, if made at all. Nor will I be captious concerning the amount which the Executive is authorized to borrow, though, in one view, it is much too large, and in another, it is not large enough, by several millions to carry out the policy now in force. Nor will I dwell on the better reasons which exist for a monthly publication of what is done under this bill, as in the case of all our Treasury note bill, rather than a report of it to Congress hereafter, which, of course, could call for it without provision. Nor am I tenacious as to the form of advertising and of accepting offers, though, in some respects, exceptionable. Nor will I stop to expose the great danger of issuing certificates virtually to bearer, and also in sums as small as fifty dollars or fifty cents, and thus open the door to infinite difficulties, as frauds and forgeries in respect to the payment of interest, and create a paper circulation, not redeemable at all for twenty years, and for discharging which not even the one dollar of specie to three of paper is required to be kept, which the original exchequer project provided for.

Nor will I, on this occasion, so pressing and momentous, indulge even in reply, and at any length, to many party strictures, made in the course of this debate, by Senators on the other side. They have been such as swelling the real expenses of the last administration to thirty-five millions, on an average, yearly, when all who examine with care, know and admit them to have been but twenty-seven and a fraction. Such as taunting us with the Florida war, when our opponents engaged to end it in a single month, but have not yet finished it, though more than a year has elapsed; and such as asking for the monuments over the country of our expenses, and declaring that none exist, when all the civil, foreign, judicial, legislative, military, and naval operations of the country, have been promptly sustained; immense removals of Indians made to give place to Christian civilization —large pension payments continued to the survivors of the Revolution—numerous public buildings erected—arsenals, armories, barracks, and forts built—roads extended, rivers and harbors in many cases improved, and peace maintained in a most perilous crisis on both our Northern and Northeastern, as well as Southwestern frontiers.

IDENTITY OF A HORSE.

At a term of Marion Circuit Court, William J. Peasley presiding, there came on to be tried an action of replevin, brought by James Musgrove against William Martin, for a brown horse. Gov. Wallace and myself for the plaintiff. Wick and Barbour for the defendant. The only question in controversy before the Court and jury was, as to the identity of the horse: both parties claimed him, the defendant Martin was in possession, and had been for two years. Our client had lost his horse about the time that Martin purchased the horse in question. There were some forty witnesses, good substantial men, reliable as to truth, and of unquestionable veracity: men who would not have sworn false knowingly for ten such horses. We had the opening and close before the jury, and of course led off with our testimony by the examination of some twenty witnesses. We proved the horse positively to belong to our client, tracing our title back to the man that raised him. He was a brown horse, fifteen hands high, no white marks, a scratch near his hip. We asked our witnesses how they identified the horse, they answered promptly that he had been scratched near the hip by a sharp root of a blown-up tree when he was ploughing in the field. They had examined the horse in question and found the scratch; they further identified him by the fact that he was taught when a colt to lean his ears when a finger was pointed at him; he also had a shuffling pace: our identity was complete, the horse we felt sure was ours. Gov. Wallace rather waggishly winked at Judge Wick, as much as to say "do you give it up." It looked to me, that the day was ours. The witnesses for the defendant swore just as positively as ours had, that the horse belonged to Martin, the defendant. They proved him up from a suckling colt, beyond a shaddow of a doubt in the minds of the witnesses. The scratch under the hip was proved to have been made by a nail in the stable door. The pacing was proved to be the slow gait of the defendant's horse, and the lean of the ears, was proved to have been contracted when a colt. Thus stood the proof about equally balanced—positive on both sides, when Mr. Barbour asked one of our witnesses how old our horse was. He answered he would be seven years old that fall. This fixed the age of our horse. They then proved that their horse was only five years old. Our client insisted that the witnesses were mistaken as to the age of the horse of the defendant, and we sent experts to look at his teeth, but unfortunately, they testified that the horse was five years old in the fall. This turned the scale against us, and the jury found the horse to be the property of Martin the defendant.

JOHN FREEMAN.

In the month of June in the year 1853, during my absence from home, the citizens of Indianapolis were surprised by the arrest under the fugitive slave law, of John Freeman a negro man, upon the affidavit made by Pleasant Ellington of Kentucky, before commissioner William Sullivan, claiming Freeman as his slave. Freeman had resided with his family many years in Indianapolis, was known to most of the citizens as an honest, industrious, sober man: claiming at all times to be a free man from Georgia. No one suspected him to be a slave. Freeman by his counsel obtained a writ of habeas corpus from Judge Major of the State Circuit Court, and he was taken out of the custody of commissioner Sullivan, and brought before the Judge. Jonathan A. Liston, and Thomas D. Walpole appeared for Ellington, and John L. Ketchum, Lucien Barbour, and John Coburn for Freeman. The Judge decided that he had no jurisdiction over the case, and remanded Freeman into the custody of the United States Marshall, who committed him to the jail of the county to await the decision of commissioner Sullivan, who postponed the hearing to give time to the parties to procure testimony, especially upon the important point of the identity of Freeman as the slave of Ellington. There was no question but that Ellington's negro Sam had escaped some years before, and Ellington had sworn that Freeman was his slave Sam. Pending the continuance of the cause, Ellington brought to Indianapolis three witnesses from Kentucky, who were admitted into the jail by the marshall. Freeman was stripped, a scar found on the *left* leg about an inch and a half in diameter, by which the witnesses identified him, and swore positively, that he was the identical negro Sam of Mr. Ellington. This looked bad for Freeman, but Ellington himself had said that Sam had a large scar on the side of his right leg, running down to, and covering the top of the foot, made by a burn at Hanging Rock, Kentucky: also, a scar on the back part of his shoulder, made by a bite of another negro at the same place. Freeman, upon examination, had no scar on the shoulder, nor upon his *right* leg, and the scar on his *left* leg was proved to have been made by a cut. These facts, with the positive statements of Freeman, satisfied both his counsel and the public that the Kentucky witnesses were mistaken, to use the mildest term, as to the identity of Freeman as Sam, that the real Sam might be found, and after short search in Ohio, they found his line of travel, traced him to Canada, and found him there. He acknowledged that he was Ellington's Sam, told how he escaped, the rout he traveled, and all about his Master Ellington and

his family. The counsel returned and procured two of Ellington's Kentucky neighbors to go to Canada and see Sam. The moment they saw him, they identified him as he did them, as his old acquaintances. This was the real Sam, the fugitive. He had escaped in the year 1834, he had the scars on the right leg and the shoulder, but how could the mistake be honestly made? Sam was a tall, straight negro; jet black, full chest. Freeman was a low, heavy-set man, muddy brown, by no means black like Sam, and at least six inches shorter: they were about the same age. Conclusive as this proof seemed to be, to leave no stone unturned the persevering counsel for Freeman went to Georgia, and learned there, that the statements of Freeman, were strictly true; that he had removed from Virginia to Georgia in the year 1831; had lived in Georgia until the year 1844, when he removed to Indianapolis. Lero Pattillo of Georgia, who had been the guardian of Freeman, came to Indianapolis. The moment he and Freeman saw each other, Freeman burst out crying, and ran to Mr. Pattillo overjoyed. Several other gentlemen of Georgia came with Mr. Pattillo, all of whom recognized Freeman the moment they saw him. Thus stood the case in the evening; next morning the examination before the commissioner was to be had. Ellington arrived after dark, learned from his counsel the hopeless state of the case, locked himself up in his room, and in the night left the city and walked to a station on the Madison railroad; got on the cars, made the best of his way to Kentucky, and has not returned since. The commissioner promptly discharged Freeman, who still resides at Indianapolis with his family. In the meantime Freeman brought a civil action for trespass and false imprisonment against Ellington, and the process served while he was at Indianapolis, and obtained a judgment upon compromise for two thousand dollars and costs, not a dollar of which has been paid, as I learned from one of the counsel. This case presents much for reflection; it shows the great caution that should be observed on the part of slave-holders in pursuit of fugitives, in making affidavits, and the vast importance of the commissioner issuing the writ, giving full time to the parties after the arrest to get the proof of identity before a certificate is obtained. While it is right and proper, that the Constitution and laws should be enforced in such cases, it is highly important that every safeguard should be thrown around the free man of color.

JOHN QUINCY ADAMS.

The distinguished subject of this sketch, stands acknowledged among the first men of his times. His name, and public services, form an essential part of the history of our country; indeed, they could not be torn from it without greatly mutilating the record. He was the only son of his distinguished Revolutionary sire, who stood by the side of Thomas Jefferson on the memorable occasion, when a great nation was born, to astonish the civilized world. It is not my purpose to speak, of the many high offices that were filled by Mr. Adams, nor of the ability with which he filled them, nor is it any part of my purpose to speak of his administration. I may be permitted, however, to say what is now usually conceded, since the public eye sees through national, and not through partisan glasses, that his administration was a model one,—pure, patriotic, economical, American. John Quincy Adams was small of stature, not over five feet eight inches high, well made, good chest, fine features, large head, high, retreating forehead, thin hair, bald to his ears, weak, watery eyes, effected by cold caught on his European tour. I speak of John Quincy Adams, after he had left the Presidential Chair, and had been returned to the House of Representatives from his native district in Massachusetts. He was the only Ex-President, that had taken a seat in that body, since the organization of our Government. Mr. Monroe, after he had retired from the Presidency, held the office of Justice of the Peace, and of member of the House of Delegates of Virginia, but no other Ex President has ever appeared in the House of Representatives, and I much doubt, whether any other could have sustained himself in debate in the popular branch of Congress. It was there that I knew him best. As a speaker, he was clear, cool, self-possessed, strong, a mind of the highest order, his head a diary of facts and dates, always prepared, a fine classic scholar, a professor of rhetoric, he was an able, prompt debater, and in personal contests which he seldom avoided, he was a competitor to be dreaded by the ablest debaters in the House. On one occasion, Henry A. Wise had made a personal attack on him, using language that Mr. Adams thought unbecoming the occasion. After Mr. Wise took his seat, Mr. Adams sat quietly writing at his desk without noticing him, until his silence became painful to Mr. Wise. Dr. Mallory, the friend of Mr. Wise came round to the seat of Mr. Adams and told him that he could get the floor to reply to Mr. Wise. Mr. Adams in a loud voice, that could be heard over the House, "No sir, the young man has let himself down entirely below reply from me," and continued writing.

Without attempting to sketch many of the smaller incidents connected with Mr. Adams, in the House, I come at once to one of the important ones which I witnessed. He was known throughout the United States, as the avowed friend of the Constitutional right of petition, for redress of real or supposed grievances. On the occasion to which I allude, he received a petition, praying a dissolution of the Union, and introduced it in the House accompanied by a resolution. "Resolved that the prayer of the petitioners ought not to granted." Thomas F. Marshall, of Kentucky, one of the ablest debaters in the House, with more zeal than discretion, immediately rose and moved that Mr. Adams be expelled from the House. This motion created great excitement; but Mr. Adams sat writing at his desk cool and collected; the debate took a wide range, and occupied the morning hour as the priviledged question for weeks.

I entered the House one morning during the debate, while Mr. Adams was speaking. Lord Morpeth sat by him, with his face turned up, closely watching every gesture, and attentively listening to every word of Mr. Adams. I had a full view of both at the time, and was afterward introduced to Lord Morpeth. In person, he was a fine model of a man; about the common hight; light complexion, flush, carnation cheeks; blue, cheerful eyes; fine features; English dialect; plainly dressed; manners plain and unostentatious. He remarked to me, "Mr. Adams is a remarkable man, a most sarcastic debater." It was apparent that Mr. Adams had the best of the contest. His opponents keenly felt their position. Mr. Adams had wisely maintained the Union, while he admitted the right of petition of the citizen in its enlarged sense. Mr. Marshall, without noticing the resolution of Mr. Adams, moved to expel him for introducing the petition; this gave Mr. Adams such vantage ground in the debate, that his opponents could not resist him. With many others, I always regretted that the petition and resolution had not been referred to a select committee, with Mr. Adams at the head, that he might have reported on the value of the Union. No man in the nation was so well qualified to draw the report as Mr. Adams. The result of the matter was, that Mr. Adams gave way for a motion to lay the petition, resolution and motion on the table; which was done unanimously, where they still lie.

While the debate was in full blast, I returned to the Senate chamber. Mr. Clay asked me what was going on in the House? I told him that Mr. Adams was using up Mr. Marshall, of Kentucky. "Ah! just as I expected. I told the young men to let him alone. The truth is, Mr. Adams is too much for any of them; the sooner they get rid of him and the subject, the better for them."

Mr. Adams, with all his powers, was far from being a pleasant speaker. He was very interesting, because of his facts, but to my ear, he could not be called eloquent.

Mr. Adams had strong pretensions to being a poet, as well as a jurist, philosopher, and statesman; but I believe he had little if any *music* in him. Indeed, the anecdote he related to Mr. Robert C. Winthrop, of Boston, would seem to divorce him from all musical pretensions. It was at Ghent; the American and British plenipotentiaries had met to form the treaty of peace between the two countries; the authorities of the place proposed to give a grand musical entertainment in honor of the occasion. The chief musician was directed to call upon the American ministers and get their national song, with the air to be played by the band. He was introduced to our ministers and the object of his visit stated. The question was, what was the national song of the United States, and what the air? Some were for "Hail Columbia," and some for "Yankee Doodle." The latter prevailed, and was decided by the plenipotentiaries of the United States to be the national song. The chief musician.—"Please give me the air." Mr. Adams, looking at Mr. Clay, "I can not do it; I never sung or whistled a tune in my life." Mr. Clay, looking at Mr. Bayard, "Nor I." Mr. Bayard, "Nor I." The other ministers also disclaimed all knowledge of music. Mr. Clay, always quick at expedients, "Call John," his colored man. John came in. "What massa?" "John, whistle Yankee Doodle for this gentleman." The musician took his seat, with paper and pencil, and, as John whistled, took the air, noted the tune for music, and next day "Yankee Doodle," with its variations, was played by the band, in splendid harmony, to the admiration and delight of the assembled multitude. This establishes forever "Yankee Doodle" as our national song and air.

Mr. Adams continued to discharge his arduous duties in the House of Representatives, with a punctuality and industry worthy of all praise. One day he caught his foot in the carpet and fell, breaking his arm; the next morning, at the meeting of the House, he was in his seat, with his arm in a sling. He said, "I have made it a rule through life, never to be absent from my post, unless it is *impossible* to be there." This venerable patriot was at last stricken with death in the Hall of the House, while discharging his duties. He fell and expired, surrounded by the Representatives of the nation, as his tongue whispered, "This is the last of earth," and his immortal spirit took its flight.

ADDRESS,

Delivered at Indianapolis, at the Agricultural Fair, September, 1856.

MR. PRESIDENT, LADIES AND GENTLEMEN,
MEMBERS OF THE MARION COUNTY AGRICULTURAL SOCIETY:

I had but one object in view, in accepting the kind invitation of your Society to deliver the Annual Address on this occasion, and that was, to contribute so far as I might, to the practical results essential to the prosperity of the Society, and the progress and permanent usefulness of knowledge, when applied to Agricultural, Horticultural, and Mechanical pursuits, in the affairs of life.

I might entertain you to-day, for the brief space allotted to this Address, with fine sayings, classical allusions, and metaphysical disquisitions upon subjects surrounding and even germain to the main object of your Association; but such an address, however it might seem to elevate the author, would fall far short of the object I have in view. Let others range the fields of fancy, and cull from the gardens of classic literature their flowers of rhetoric, while I direct your thoughts to the useful, to the main object of the formation of Societies like yours, and to some practical considerations connected with the operations in which you are or may be engaged; and if I should not give many extracts from written works to sustain my suggestions, you will rather attribute what may seem to be a neglect of authors, to the impossibility of confining myself within reasonable bounds, if I should attempt to analyze, or give even proper views from the books and writings of others. I wish to condense my remarks into a readable length, as I have long since noticed that, as a general rule, the writers of large books, like the authors of long, prosy addresses, must expect to be their chief readers.

We have met at the Capital, on this anniversary of the Agricultural Society of the county of Marion, in the year 1856, for the purpose of adding our annual contributions to the store of knowledge, and otherwise furthering the important objects of our Association. It would be time uselessly occupied in this address, for me to attempt to prove, at this day, the utility or benefits of Agricultural Societies. The effect of this congregation of our citizens, bringing with you the annual fruits of your industry and experience, for the inspection of each other, and for the improvement, in kind and quality, of the several products, will not be fully appreciated until its more matured results shall be presented, on like occasions, in after years. Since the commencement

of this annual fair, I have walked over these beautiful grounds, so handsomely appropriated to this laudable purpose, both for the County and State. I have looked with true delight at the annual products of cultivated nature, and of art, that have been brought up and spread before us, and I have said to myself, what wonderful progress the hands of civilized industry are making? Truly, the late wilderness is blossoming as the rose; but above all, my heart has been filled with gratitude, when looking at the cheerful and happy countenances, and the entire absence of all appearance of want or distress, of the assembled citizens of our county; and when reflecting upon the blessings we enjoy, in this fertile, salubrious, and beautiful portion of the great Valley of the Mississippi, under the best government on earth, where we can worship as our own consciences may dictate, where we are governed by laws of our own making, and where labor of both sexes is honorable. I can not dismiss this idea without saying, that one of the happiest effects of these annual associations, is to bring the people from all parts of the county together, and by introducing them to each other, strengthen the bonds of friendly neighborhood and county society, that should be maintained and cherished by us all.

It affords, perhaps, the only pleasant opportunity in the year for our citizens to meet upon a common platform, and exchange the salutations of the season, in rational, virtuous, innocent, and useful conversation, unalloyed by the presence of a privileged aristocracy, or any other distinctions of society than the true line that should be drawn between the virtuous and the vicious. Our Agricultural Fair should ever be held as our annual county jubilee, and its members, and all others, should zealously contribute to its perpetual prosperity.

It may not be improper, as a further preliminary remark, to direct your thoughts to our beautiful, fertile State and county, to inquire what they were? what they are? and what are their prospects? And here let me be understood, once for all: I mean no invidious comparisons between Marion and other counties. Our State, as a great agricultural section of the West, will compare favorably with any other, while her mineral resources are of the first order, and inexhaustible. She lies in the trough of the Great Mississippi Valley, stretching from the Northern Lakes to the Ohio river on the south, and bounded by the great States of Ohio and Illinois, on the east and west. She lies directly across the track, for all time, of all the great artificial improvements that can ever be made connecting the Eastern Atlantic cities with the Pacific Ocean, over the Valley of the Mississippi. She is highly favored in point of climate, soil, minerals, wood, water, rock—in a word, Indiana combines all the elements of a great

and growing State, and being blessed with a free Constitution, she must yet contain as dense a population as any part of the globe. She was born in the year 1816, with some sixty-five thousand inhabitants—only about forty years ago. A few counties only were then organized. The whole middle, north, and north-west portions of the State were an unbroken wilderness, in the possession of the Indians. Well do I remember when there were but two families settled west of the Whitewater Valley—one on Flatrock, above where Rushville now stands, and the other on Brandywine, near where Greenfield was afterward located. When I first visited the ground on which Indianapolis now stands, the whole country, east to Whitewater and west to the Wabash, was a dense, unbroken forest. There were no public roads, no bridges over any of the streams. The traveler had literally to swim his way. No cultivated farms, no houses to shelter or feed the weary traveler, or his jaded horse. The courts, years afterward, were held in log huts, and the juries sat under the shade of the forest trees. I was Circuit Prosecuting Attorney at the time of the trials at the falls of Fall Creek, where Pendleton now stands. Four of the prisoners were convicted of murder, and three of them hung for killing Indians. The court was held in a double log cabin, the grand jury sat upon a log in the woods, and the foreman signed the bills of indictment which I had prepared, upon his knee; there was not a petit juror that had shoes on—all wore moccasins, and were belted around the waist, and carried side-knives used by the hunter. The products of the country consisted of peltries, the wild game killed in the forest by the Indian hunters, the fish caught in the interior lakes, rivers and creeks, the papaw, wild plum, haws, and small berries gathered by the squaws from the woods. The travel was confined to the single horse and his rider, the commerce to the pack-saddle, and the navigation to the Indian canoe. Many a time and oft have I crossed our swollen streams, by day and by night, sometimes swimming my horse, and at others paddling the rude bark canoe of the Indian. Such is a mere sketch of our State when I traversed its wilds, and I am not one of its first settlers.

Such is a brief view of early Indiana, but it is sufficient for my present purpose, my object being merely to direct your thoughts to the rise and progress of the State generally, before I come to speak of our county of Marion especially. How stands the State to-day, as compared with Indiana at the time of her admission into the Union? She then contained the same area of 33,809 square miles. Then, as now, she embraced the same minerals, the same fertile soil, and lay in the lap of the great Mississippi Valley. Her beautiful rivers and

smaller streams then, as now, meandered through every part of her territory. But then the State only contained some 65,000 inhabitants, confined to a few counties; now she contains some 1,500,000, spread over her ninety-one counties. Marion county was then a part of the wilderness; now she has a population of over 40,000, with taxables about $15,000,000, and produces annually over 250,000 bushels of wheat, 1,500,000 bushels of corn, 100,000 bushels of oats and barley, 55,000 bushels of potatoes, 9,000 horses and mules, 65,000 swine, 20,000 sheep, 19,000 cattle, 5,000 barrels of pork, 825,000 pounds of bacon, 18,500 slaughtered animals, $10,500 of poultry, $15,000 of orchard products, $18,500 of garden products, $10,472 of home manufactures, $47,852 hay, $9,200 wool, $3,805 maple sugar and other products in proportion. Then there was not a railroad of any considerable length in the Union; now we have in the United States, more miles of railroad than all the world besides. Then the magnetic telegraph and its usefulness were unknown. I well remember the first experiments of Dr. Morse, at Washington city, amid the universal doubts of even his ardent friends. Now our thoughts are flying upon the wires with the speed of lightning, through every part of the civilized world; and such has already been the concentration of railroads at our Capital, that Indianapolis has by common consent, received the name of "the Railroad City of the West." The trains of nine railroads, radiating from the Capitol in full operation, are hourly entering and leaving our city, exchanging their freight and more than 4000 passengers daily, in our splendid Union Passenger Depot, while other important lines of railroad are being constructed to our city; and this is only the beginning of the end. Such is the rapid progress of this astonishing age. Time is flying with the rapidity of thought — the new world seems to be moving with uncommon velocity, and man is progressing to his ultimate high destiny, under an impetus without a parallel in the history of our race.

Members of the Agricultural Society. — My main object today can not be accomplished, without speaking directly to you, and through you to our other fellow-citizens of the county of Marion. I have already directed your attention to the character of our prosperous State, and said enough to enable you at your leisure, to fill up the outlines I have sketched. I now desire to ask your attention for a few minutes, while we look at the scenes around us, at the position we occupy as citizens of the county of Marion; while we compare our county as she was when organized, with what she now is; but more especially while we contemplate the position of our farmers and mechanics at present, as compared with the early settlers. I can not.

in the brief time allowed me for this address, do more than sketch these comparisons, leaving you to carry them out by your own reflections. Those of you who lived here in early times, many of whom I see around me, will appreciate my views.

I mean not to speak boastfully, but I may say truthfully, that our county of Marion in point of soil, growth of timber, purity of water, mildness of climate, local position and all that could make her desirable for settlement and cultivation, stood unsurpassed in a state of nature. With these truths before us, it is not strange that such inducements to emigrants, to make our country their permanent homes, should, in so few years, have produced the astonishing changes before our eyes. I stood, but as yesterday, on the site of Indianapolis, the Capital of our State, when there was scarcely a tree missing from the dense forest around it. I passed through the wilds of Marion on my pony, upon the winding Indian path, when the bear, the deer, and the wolf sprang up before me, and wildly bounded into the security of their native lairs. I recollect when the commerce of Marion and the infant Capital was carried between Cincinnati and young Indianapolis, by the semi-monthly six ox train of my departed friend, John Hager. This was the second stage of commercial operations in Marion; the single horse and the pack-saddle being then employed in carrying the mail, the letters and papers having become too bulky to be carried in the pockets of the mail-boy. The beautiful and fertile lands of Marion were then covered with a heavy forest; the farms that you prize so highly now, were then the hiding-places of the Indian and the wild animals of the woods. How stands the matter now? Look at Marion as she is! Cast your eyes to the east of this stand, and see the beautiful city of Indianapolis, the Capital of the State, with her 20,000 inhabitants! See the spires of her twenty-seven churches, of the different denominations of Christians, shooting up toward the clouds! Look west, east and north at our humane institutions for the unfortunate deaf and dumb, blind and insane. See the numerous towering station buildings of our railroads! Look at our colleges and graded-school edifices! See those beautiful buildings erected by the different associated benevolent orders! Observe our numerous first-class hotels! See the solid blocks of splendid wholesale and retail stores, filled with the choicest merchandise from every clime! Observe our crowded streets! Hear the hum of business, and the sound of the workmen erecting new edifices, in every part of the city! Listen to the whistle of the locomotives, entering and departing from our city, with their heavy freights and thousands of passengers! Pass over the county in every direction, and see the state of improvement

every where, large and beautiful cultivated farms, good houses and barns, fine orchards, and in every neighborhood, convenient schools to educate the rising generation, who are soon to take our places upon the great theater of human action. And here let me say, give your children a good English education, such as may be obtained at the common schools, neglect them not, lay well the foundation. Let no false father's, mother's or teacher's pride, induce you to force them into the higher branches before they can spell well, read well, write well, and understand the principles of arithmetic and the English grammar. Avoid the modern hot-bed system of education, that attempts to plant the top, instead of the root of the tree in the earth, and then your children will be prepared to meet the cares and duties of every-day life.

My long, eventful life, both as a private citizen and a public man, authorizes me to say a word to the young men of the county of Marion. *Character* to you is every thing—remember that your character does not grow out of your position, employment, profession, or avocation in life; nor does it attach to you, in this country, from family connections, or independent of your habits and conduct, but it is formed upon the unerring basis of all the elements that make the character of the wise, the virtuous, and the good. If you desire the respect of your fellow-citizens—if you wish a character that will aid you through life—let one who has tried the depths and shoals of private and public life advise you, as he would his only son, to look well to the formation of your character—be honest in all things, be industrious, be open and candid in your intercourse with others—cunning and deception may succeed for a time, but they will fail in the end. Let every act of your life be marked by strict integrity. Never promise what you have not a reasonable probability of performing. Touch not the intoxicating bowl—it is attended through life by nothing but ruin—it is not necessary for any purpose—I have tested it fully. I am now about sixty-two years of age, and have lived near forty years in Indiana. I have been exposed to the climate and settlement of a new country—I have been more subjected to temptations, in high and low life, than most men, and yet I have never been intoxicated in my life; nor in the last forty years have I drunk a drop of spirituous liquor. During the eight years I served in the House of Representatives and the Senate of the United States, my habits were the same. I have frequently pledged the President, and Foreign ministers, in a glass of water, while the wine was sparkling around me. During this long life, I have not been confined to my bed a week, altogether, by sickness, and have never had better health in my life than at present. I look around me for my cotemporaries who indulged

freely in the intoxicating cup, and find them, with very few exceptions, in premature graves. Avoid cards, as you would your own destruction; the gambler, his character and associations, are avoided by all good men. Guard well your morals. In early life fix your religious principles upon a safe foundation. If I had but three rules to lay down for my own son, after a long life of experience and extensive intercourse with my fellow-men, they would be: 1st. Total abstinence from intoxicating liquors. 2d. Never even learn to play cards, and if you have learned, abandon the game at once and forever. 3d. Never be absent from church, when able to attend. These three rules, honestly adhered to, the other elements of a good character will naturally follow.

You have every stimulus to action that could be desired—the soil, the climate, the facilities to convey your products to the best markets, at cheap rates. If these things be true, what is required of you in this age of progress? When the whole earth is moving forward, when the arts and sciences are astonishing the world by their new developments, when the agricultural interests are marching forward toward that high destiny that awaits them, shall the farmer, the mechanic, the artizan of Marion, fold his arms and say, "it is enough; let me alone; I can manage my own affairs in my own way?" I answer for you, no! Then let me say to you, that whatever resolves you may take with you, in your minds, from this annual fair, let the paramount one be, to

FIX YOUR STANDARD HIGH.

For let it be remembered, that a large portion of the failures of men, in the affairs of life, have resulted from fixing the standard too low, and being content with mediocrity, or even less. When the mind is willing to rest in a subordinate position, in whatever man is engaged, it can not stand still; it must recede, fall back still lower and lower in the scale of enterprise, until the man will finally reach the condition of the sluggard, who cried—

"A little more sleep, a little more slumber;
Wasted half his days, and his hours without number.

"I passed by his garden, and saw the wild briar,
The thorn and the thistle grew broader and higher;
The clothes that hang on him are turning to rags,
And his money still wastes, till he starves or he begs."

If you are a mechanic, an artizan, a farmer, a stock-raiser, a florist, a botanist, a horticulturalist, a professional man, fix your standard high. Make yourself thoroughly acquainted with your business, or profession, read the practical works of good authors, and work to them,

aided by your daily experience, with a determination, on your part, that none shall excel you in the line of your profession, occupation, or business, and you must ultimately succeed. Your character will become known and appreciated by a discriminating public; but if you are contented to stand on the common platform with others who have no ambition to excel, you must expect to live like them from hand to mouth, pass through the world unnoticed and unknown, and sink to your graves without a sympathizing tear, or even a stone to mark your earthly resting-place.

If you are a farmer, fix your standard high, make yourself acquainted with the best works on agriculture, on the character and quality of soils, on the best system of fertilizing, on the kinds of grain to be cultivated on different soils, on the time for changing the crops and resting the grounds, on the kinds of manure and their appropriate uses, of the grasses and their adaptation to different soils, on the different implements of husbandry and their uses, of the preparation of the ground for the seed, of the quantity of seeds, and the kinds to be used; upon the most profitable stock to be raised on the farm, upon the best manner of protecting your stock from the weather, the time and manner of selecting your seed for the ensuing season; of choosing your breeding stock, of their kinds; and here let me say, that while it is highly important to select from the best breeds of stock, it is quite as much so to examine your stock carefully, and take out the best for your breeders, from time to time; by pursuing this course, you will soon find yourselves in possession of greatly improved stock, at little cost. These remarks apply to the horse, the jack, the jennet, the hog, the sheep, and even to domestic fowls. Be not deceived by names or pedigree; look for yourselves. If the animal be a horse, look at his color, size, bone, form, eyes, action; if these are right, you may risk him. So with the jack, the jennet. If the animal be a hog, examine him closely; if he has the three cardinal points, you may take him. He must have length of body to weigh well, a strong bone to carry his weight when fat, and stand near the ground to fat at any age. And here let me say, that there is one characteristic about the hog that should be observed: he will not bear the reduction of his feed; you may keep him as a stock hog, but whenever the process of fattening commences, it should be continued, with all he will eat, until killing time, whether he is fatted in the corn-field or in the pen. If the animal be a sheep, examine him for yourself; look to his size, length of body, length and quality of wool, and if these are what you desire, look no further, if the price suits.

So with your cattle, especially your milch cows, so essential to every

farmer. Select the calves of your best milkers to be raised, and continue the process from year to year. I have no doubt but that much benefit to our farmers and stock-raisers will result from the importation of foreign improved stock, of the different breeds; but while I say this, let me warn our farmers against running into extravagant and ruinous prices for such animals, but rather select the finest of the crosses from year to year, and the result will prove itself. I well remember when three Spanish Merino bucks, of the short, fine wool breed, were sold at New York, from ship board, for $1,500 each, under a heavy competition. My father, who was a fair Pennsylvania farmer, instead of running after the excitement about that time, adopted the practice of selecting his best, lengthy, long, fine wooled lambs for his stock, and turning over the inferior ones to the butchers; and the result was, that his flock rose in size, and quality, and quantity of wool, and mutton, in a few years, so as to be required for breeders, at high prices, by the surrounding neighborhood. Let our farmers try it—it will cost nothing—keeping in mind that the expense is no more to keep a good animal than a poor one, and much at last depends upon feed and care. It is an axiom, that the miller's hog is always of a good breed.

A word as to the care of the farm. Very much of the value of a farm depends upon the care you take of it. And here, again, I would say, *fix your standard high*. Let no other farmer excel you. Make yours a pattern farm. See that you have good fences; it is much easier to keep your stock out of your grain fields by good fences, before they become breachy, than it is to drive them out as your crop is being destroyed, and protect your fields against them afterward. Farm no more ground in corn than you can tend well, and put the rest in small grain and grass. If you want to provide against drouth, plow deep. If you fear a wet season, plow deep. If your corn ground is flat and naturally wet, plow and plant in ridges, until you can drain it, but be careful not to plow when the ground is too wet. If you wish to be considered a neat, pattern farmer, plow straight. The beauty of the corn-field is the straight rows, at equal distances, and the success of the crop depends upon its cultivation. Plow and cultivate thoroughly and timely. Keep the rows free from weeds and grass, for if ever you let the corn be overshadowed, so as to turn the stalks yellow, the crop is ruined. And my observation is, that a farmer who has not pride or ambition enough to keep good fences, clean out his fence rows, trim and sprout his orchard, plow his grounds deep, lay off his corn-fields in straight rows, keep his barn in repair, his gates and bars in order, glass in his windows, care for

his stock in winter, and salt it well in summer, plant shade trees in his dooryard, and educate his children, is in great danger of falling below the standard of a pattern farmer.

The labor-saving implements of husbandry, the invention of late years, with their improvements, have revolutionized the process of cultivating the earth, in which three-fourths of the civilized world are now engaged, and have enabled the farmer to dispense with much of the manual labor that would be otherwise required. While in England, France and Germany, farming operations have been brought to much higher perfection than in this country, still, when we see where we now stand, and then look to many parts of the Old World, we have no cause to despair of ultimate success. I recently read a very interesting work, entitled "Observations in the East," by John P. Durbin, D. D. His description of the state of agriculture in the valley of the Nile, in Egypt, places us on high grounds in the comparison. He notices the manner of breaking up the ground there, which, if done here, would create some amusement among our farmers. The Doctor says: "The plow, which is too rude to be described, is commonly drawn by a camel and an ugly buffalo, yoked by a pole about nine feet long, the ends of which lie on their necks; one man guides the wooden stick, which seems to scratch the ground, while another drives and guides the team." And this in the ancient valley of the Nile, at this day.

I have remarked upon the selection of stock. The same idea applies to the grains and seeds for your fields and gardens; the seed corn should be selected in the fields, from the best kinds, adapted to the climate, from the most vigorous stalks, taking the largest, early ripe ears, with not less than two ears on a stalk, and before planting taking off the small grains at the end of the ear. By this process, if continued, you will bring your corn crop to a high state of perfection. The same remarks apply to the potato, the tomato, the beet, the parsnip, the radish, the melon, the pumpkin, the squash, and indeed generally to the garden; and still in a more extended degree to the orchard. Let the best fruit, adapted to the different seasons of the year, of its kind, be selected for your orchards, and reproduced by budding or grafting; it requires no more ground, nor greater expense, to have an orchard of the choice, fine, cultivated fruit, than it does to have one of the poorest seedlings—this every farmer knows, but every farmer does not practice upon his knowledge. It may be difficult to select the best fruit for our climate, in all cases; still we have some knowledge on this subject, and as it is a matter of opinion, I give my preferences without intending to dispute the taste of others.

Apple Orchard.—1. Yellow Sweet June; 2. Bough; 3. Townsend; 4. Rambo; 5. Golden Russet; 6. Holland Pippin; 7. Yellow Bellflower; 8. Baldwin; 9. Prior Red; 10. Spitzenburgh; 11. Romanite; 12. Smith's Cider; 13. Newton Pippin; 14. Wine Sap; 15. Red Winter Pearmain; 16. Jennetain; 17. Vandeveer Pippin. An orchard that contains these several varieties will amply reward the farmer, if the grounds shall be kept loose, and the trees well sprouted and trimmed.

Pears.—The variety of this fruit is not so great as the apple. I place the choice kinds in the following order: 1. the Seckel; 2. the Bartlet; 3. the Feaster; 4. the Sugar; 5. the Butter; 6. the Catharine. There are other fine varieties, that will do well in this climate, that may be selected from printed catalogues.

Peaches.—The crop of this delicious fruit, owing to our severe winters and late frosts, has become very precarious. Still, I hope our farmers will not despair, and abandon the cultivation. I would suggest that fresh trees be planted each spring; bud them with the choice varieties, so that you may have a progressive orchard to meet the fruit seasons, as, perhaps, the only means of keeping up our peach orchards.

Plums.—I fear that the *Curculio* has disposed of our best kinds, and left us to cultivate a small damson; and when it fails, to look to the wild varieties of the red and yellow, of our native thickets.

Cherries.—Whether it is owing to our climate, or to a want of care in the cultivation, that we see so very few fine cherries in our market, I am unable to say. The Eastern May Duke, Ox Heart, Red Heart, Black Heart, Carnation and other choice varieties, are unknown to our markets; while the Sour Morella engrosses the stalls. Why is this? Let our fruiterers answer, as it is their business to look to it.

The Papaw.—Can this fine fruit, of our river and creek bottoms be cultivated, so as to improve its size and quality, is a question that ought to be answered hereafter by others.

A word as to your beasts of burden; "muzzle not the ox that treadeth out the corn." Keep your work animals well, and properly protected from the winter weather at night, and they will repay you in extra services. Such are always ready for the road or the draft. And here let me remark, from my experience on my father's farm, when but a youth, that if you expect true draft animals, never overload them. The ox or the horse, should never learn that he can not draw any thing he is hitched to. The secret of balky animals, lies in their having been at some time, loaded beyond their strength. Treat your work animals kindly, and they will feel and repay your care. Many I fear,

are too much in the habit of underrating the sagacity of their dumb beasts. They are capable, if not of loving and hating like human beings, certainly of something of a very kindred character. I owned a riding-horse once, that I attached to my person so closely, that he would never leave me when we were from home, if he could possibly help it; and on one occasion, the carriage in which my wife and myself were riding, broke down before, throwing us upon his heels. I spoke to him kindly, calling him by name; he turned his head, looked directly at us, and quietly kept his place until we got out and released him—and yet, he was a horse of high mettle.

May I be excused for referring to a matter that I deem sufficiently important to be noticed in this address. I allude to the kind of houses to insure health to the family. In our climate, with our luxuriant vegetable growth, the earth upon which our houses are necessarily built, becomes damp, and emits a miasma, producing our intermittent fevers, so distressing to our people. My suggestion is, that whether your house be large or small, high or low, of one or more stories, built of brick, frame or logs, raise the basement at least four feet from the ground; and give a free, open circulation of air beneath, by windows, to be closed in cold weather. While such houses may not prove an infallible remedy against the climate, and causes referred to, I am satisfied that they will alleviate the present distress in the fall season of the year.

I should do injustice to the object of my address, were I to omit a word to the women, who are taking so much interest in the success of this association, and who form the life of our families, and give character to the domestic household. Much, very much of the success of the farmer, depends upon the domestic qualities of his wife, to cheer him on through life, and make his home the center of his and her happiness. This is especially true in a country like ours, where the joint labor and care of the sexes seem to be required, to insure success and happiness to the family circle. When a stranger enters the dwelling of our farmers, his eye at once embraces the order of the room; he sees whether it looks clean, and the furniture in its proper place and well dusted; and should he be invited to a meal with the family, as of course he will be if it is meal-time, although he may not expect any thing extra, he will look for such table comforts as the farm and the garden may yield, without extra cost, to be served up in a plain, neat and clean manner. He has a right to expect good, sweet, well-worked butter, and milk, the safely cared for and kept fruits of the garden and the orchard, with the more substantial products of the barn-yard and the fields. No class of our citizens can live so well, at so little expense, as the Indiana farmer; and none can be so entirely

independent of supplies from others, for the table. I do not wish to be understood that the mere fact that the farmer's wife is provided with milch cows, is sufficient to expect at her hands, good, sweet, well worked butter, such as commands the highest price in market. She must be provided also with sufficient help; with a good milk-house, where the milk and cream can be kept cool, and where solid butte and good cheese can be made. I am satisfied that much of the inferior butter and cheese that reach our markets, is owing to the fact that a proper milk-house has not been provided. There is no sufficient excuse for not having a good milk-house at the residence of each farmer. Every family must have cool drinking-water; if they have a natural spring, there is the seat of the milk-house; if a well is used, supply the milk troughs from the pump, but be sure to have a good cold place to keep your milk and butter, so as to keep them cool and sweet.

The Garden.—Among our farmers, where horticulture is not much looked to, and where the labors of the field are exclusively in the charge of the men, the garden is usually attached to the house affairs and left to the women. I am not speaking of those large gardens that are cultivated near our large cities, by men, to supply the market; would that we had many more of them around Indianapolis. I refer to the ordinary farmer's garden. In Europe, the splendid gardens are in charge of salaried officers, well versed in scientific horticulture; indeed, trained from youth to the science, as a profession. The chief gardener of one of these splendid resorts for the grandees of the land receives a much higher salary than our Governor, and has under him a large corps of inferior officers and laborers. The whole vegetable and floral kingdom, in all their varieties, from every part of the earth, are spread before the eye in all their luxuriant perfection. We may have such gardens in this country when our citizens shall become as wealthy as the millionaires of Europe. This we shall not see in our day.

The object of our farmers should be to make the garden tributary to the family comforts in the first place, and profitable as to the surplus. I would not introduce into the gardens of our farmers the greenhouse, but let it find its appropriate location near our large cities, to furnish to the votaries of Flora's kingdom the tender, beautiful and sweet-scented flowers, shrubs and roses. But the farmer's garden may contain the hardy rose, the peony, the dahlia, the pink, the tulip, the snow-ball and the lilac for the eye; currant, pie-plant, tomato, cucumber, beet, parsnip, ocre, pea, bean, lettuce, radish, asparagus, egg-plant, early cabbage, parsley, horse radish, carrot, celery and onion for the table; and I would have it large enough to add a good Isabella and Catawba grape bower, a strawberry bed, of the large kind, a patch of

the mountain sweet watermelon, and fine nutmegs and cantelopes, with rows of the best bearing raspberries on the sides, and a good bee-stand to furnish honey for the family. The garden should be well manured; there is no danger of making it too rich. I prefer putting on the manure in the fall, and letting it lie till spring, by which time it can be raked off, and the garden made without incumbrance.

I do not wish to be understood as advocating any extraordinary or lavish expenditures, either upon the farm or garden. I only contend for what is within the power of our farmers to perform, by using industry and economy. I insist that our farmers, being so bountifully supplied with the elements of comfort, shall, by their industry, enjoy the blessings providence bestowed upon them. I am the advocate of strict economy in every department of life. The farmer and the mechanic should be patterns of economy, as they are of industry. They get their means by the sweat of the brow, and they should learn how to use and take care of their money when obtained. The secret of wealth is not in the knowledge of the way to get money, but how to keep it when obtained. The thrifty farmer or mechanic, will avoid going in debt beyond his probable means, never relying upon next year's crop or labor to extricate him from debt. Next year may never come to him, or it may come, not with healing or prosperity, but with drouth, blight, and disappointment in its wings. Avoid the temptation of buying more land than you can pay for; remember that the farmer's thrift does not depend so much upon the size as upon the manner of the cultivation of the farm. There was much force in the remark of the farmer, that he intended to make a great addition to his farm, by making it smaller and taking better care of it.

Woods and Shade Trees.—There is nothing that strikes the intelligent traveler, and especially those from the South, with more surprise, when passing through our beautiful timbered country, than to see the indiscriminate and wanton destruction of our lovely forest trees. The contrast between the North and South in this respect, is too marked to escape observation. In the South, the buildings of the farmers are uniformly placed in the midst of a grove of native forest trees, giving shade, health, and beauty to the mansion, the moment it becomes the family residence; while in the North, our towering forest trees are cut down in hot haste, to make way for the farm-house, and their place supplied with little switches, that may, or may not, as they happen to live or die, in the course of the next generation, come about as near the native trees that have been destroyed in beauty, grandeur and shade, as the sunflower does to the great luminary from which it takes its name.

It is too late for our farmers to correct this great error, but it is not too late for every farmer to supply the best substitute he can for the forest trees he has destroyed, so as to shield his dwelling from the scorching meridian sun, so oppressive in our hot summers.

The same train of thought applies to the destruction of our timber trees at the present day. The marked distinction between a timbered nd a prairie country is, that the former is prepared for the second generation by the labor of the first, while the latter may be used and cultivated by the first occupant, to advantage. Marion county is just passing the first stage of improvement; the time was when it was necessary to clear off the woods, and convert the land into cultivated fields. This has been done in most cases to a sufficient extent, and it now behooves our farmers to preserve their woodlands from further destruction. This can be done by fencing, clearing out the undergrowth, and sowing in blue-grass, making the woods ornamental and profitable, and securing to our farmers the enjoyment of the superior advantages of a cultivated timbered country over a widespread prairie region, like that which stretches west of our State to the Rocky Mountains.

Remember, that this is a government of the people, through the ballot-box, and consequently that it is the duty of every voter to exercise his elective franchise. The Constitution of the United States, and those of the several States, are but as dead charts for our guidance, without the impelling power of the ballot-box. Our admirable form of government, based upon the will of the majority, supposes that each voter will take part in its administration. Never fail to cast your vote for the men of your choice, and never forget that the success of our great experiment of self-government, and the perpetuity of our glorious Union, may depend upon the manner of the exercise of the elective franchise.

May I say, in closing, that after looking at the condition of man in all parts of the world, I am well satisfied that the citizens of Indiana, and especially the farming community, are in the enjoyment of as much real prosperity and happiness as has ever fallen to the lot of our race upon the earth, and that we see to day but the beginning, if we prove true to ourselves.

May each succeeding anniversary, as time rolls on, bring with it new evidences of the virtue, intelligence and industry of our citizens; of the growth, usefulness and prosperity of this Society, and of the onward march of our beloved State and country to their destined greatness, under the protection of our free institutions and the kind regard of an overruling Providence.

THE OTHER SIDE OF "FACTS FOR THE PEOPLE."

THE pamphlet entitled "THE OTHER SIDE OF 'FACTS FOR THE PEOPLE,'" by Hon. O. H. Smith, was published and widely circulated in the midst of the political campaign of 1843, and may still be read with some interest. It is therefore republished here:

A pamphlet, recently published and widely circulated in this State, evidently intended as a political text-book* in relation to the tariff policy of the United States, has rendered it due to the people of this State that the other side of that important question should be fairly and candidly presented to their consideration. That publication, by the leaders of the modern Democratic party, is not complained of. We are gratified to see our political opponents come out in the full blaze of day with their party doctrines, that the people may understand them. The principles and policy now openly avowed, have been charged upon them by us for years, and the charge has been as often denied. This is the first time, it is believed, in the history of Indiana, that a political party has raised aloft, and flung to the breeze a flag inscribed with the Free Trade doctrines preached by Great Britain and South Carolina. It is, therefore, due to the leaders of the party that avow the policy, as well as to the people, that the subject should be fairly presented on both sides. The pamphlet referred to having presented one side of this question, with some other matters, we proceed to give some thoughts and facts on the other side, for the consideration and reflection of the people. It is not proposed to follow precisely the order adopted by the writer of the pamphlet: we intend, however, to cover, substantially, the ground occupied by him; to state his propositions fairly, and to give our views upon them candidly. We have no other motive than to state the true issue between the parties, and to show upon which side of the line the American policy lies.

"*What is a Tariff?*"

This question is put and answered in the pamphlet, to suit the writer, and the use he makes of his definition in the argument. We answer, with all financial writers on the subject, that a tariff is a rate of duty established on imports by law. That duty may be higher or lower; levied for revenue, or for the protection of American industry or for both united. It may be levied upon a horizontal *ad valorem* scale, applying the same rate of duty to all imported articles indis-

* Written by James Whitcomb, Esq., and read by him after his nomination as their candidate for Governor, before the "Democratic" Convention, held at Indianapolis, in January, 1843.

criminately; or it may be levied upon principles of discrimination between different articles, as to the duty imposed, exempting some altogether from duty; or it may be what is called retaliatory, or counteracting foreign restrictions, even to the point of prohibition. It is understood that the writer of the pamphlet, with the rest of the free-trade school of politicians, deny and repudiate the powers maintained by us, derived from the Constitution, and indicated in the definition we have just given, and contend, *First*, That there is no Constitutional power to pass any tariff-law that shall include the protection of American industry, above the point absolutely necessary for revenue, or, in the language of one of their most distinguished men, "That if we did not need money for the support of Government, we should have no tariff, and whenever the necessity ceases the tariff should cease."

Secondly, That it would be inexpedient to exercise the power, if we possess it, although a tariff for revenue might fall below the point of protection; and of consequence,

Thirdly, That the free-trade doctrines, preached but never practiced by Great Britain and South Carolina, present the true policy of the United States.

The Whigs, with the old Republican party, maintain the Constitutionality and expediency of protecting American industry by tariff-laws, even above the revenue point, if it should be necessary to go above that point; and they repudiate the British free-trade doctrines, as being a mere delusion, and wholly impracticable.

Have we the Constitutional power to enact a protective tariff, above the revenue point, if necessary? What is understood by protection? It is the right of self-defense possessed by individuals in a state of nature, and carried with them into society, modified only by the laws that are thrown around them by the sovereign power. It is a right, in a national point of view, of defending the flag, the honor, the citizens, the property, and the industry of the nation, against the policy and laws of other nations, as well as against force without law. The power to pass laws for the government of a nation is of high prerogative, let the laws emanate from what source of power they may. The power to levy imposts is incident to all governments possessing sovereignty, and without which power no government could long prosper. As it is in the power of self-defense, all independent nations maintain and exercise it. Great Britain exercised it for herself and her colonies, and the States that formed the Confederacy, after they threw off their allegiance to the mother country, exercised it in severalty. But when the Federal Constitution was formed, the States gave up the power to the General Government, and it was inserted in express

language in the Constitution of the United States. No one entertained a doubt but that the right to exercise this power in the most ample manner was essential to the prosperity of the people, and the independence of the nation; hence, in order to give it more efficiency, and, among other objects, to enable the General Government to protect and promote the interest of the whole, so far as the exercise of this with the other delegations of power would enable her to do, it was expressly granted in the Constitution, that the Congress shall have power to lay and collect taxes, duties, imposts, etc., etc.

WHAT SAY THE WITNESSES?

We are aware that, in these heated party times, assertion is not always taken as proof; hence we prefer to bring before our fellow-citizens witnesses who will doubtless be credited by them, in support of our position. We shall not be able to present much of the testimony in the brief space allotted to this side of the question: but what we lack in quantity we will endeavor to make up in quality. We may be pardoned for supposing that at least some of our witnesses might compare not unfavorably with the leaders of the modern free-trade Democracy of Indiana.

GENERAL WASHINGTON,

Who presided over the Convention, and who knew, perhaps as well as any man who ever lived, the object of forming the new Constitution, in his first annual message to Congress, on the 8th of July, 1790, said, "The safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essentials." The first act of Congress on the subject was approved by him, and its preamble declares, "Whereas, it is necessary for the support of Government, for the discharge of debts of the United States, and the *encouragement and protection of manufactures*, that duties be laid on goods, wares, and merchandise imported, therefore," etc. That great man, and benefactor of mankind, continued through his whole administration to encourage and protect the industry of his countrymen, as did the succeeding administration of Mr. Adams.

MR. JEFFERSON,

The apostle of the old Republican party, came into power in 1801, borne on the current of popular opinion. This whole subject, in all its bearings, was familiar to him. Hear him testify. In his annual message, in December, 1802, he laid down the following among the imperative duties of Government: "To cultivate peace, and maintain

commerce and navigation in all their lawful enterprises, to favor our fisheries as nurseries of navigation, and to *protect the manufactories* adapted to our circumstances. * * * By continuing to make these the rule of our action, we shall endear to our countrymen the true principles of the Constitution, and promote a union of sentiment and of action, equally auspicious to their happiness and safety." At another time he wrote: "When a nation imposes high duties on our productions, or prohibits them altogether, it may be *proper for us to do the same by theirs*, first burdening, or excluding those productions which they bring here in competition with our own of the same kind." The writer of the pamphlet says: "The names of Washington and Jefferson are sometimes *claimed* as favorable to a *high protective* tariff." Is it possible!! We say, that Mr. Jefferson not only goes to the point of protection by a high tariff, but to the still higher point of "exclusion," or prohibition in self-defense, and by way of counteracting foreign restrictions.

MR. MADISON

Is a worthy witness; no one can doubt his testimony on this question. He was conversant with every step of the Revolution, its cause, and the desired object of a change of government. No man, at any period of our history, surpassed him in soundness of judgment, or in Constitutional learning; he was the avowed head, in his day, of the great Republican party; the national vessel was steered under his direction through the perils of the late war, and his country's flag, in all its glory, at the close was seen streaming in the breeze, from the mast-head. Hear him. In his first message to Congress, in May, 1809, he said: "The revision of our commercial laws proper, to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress; it will be worthy at the time of their just and provident care, to make such further alterations in the laws as will more especially *protect and foster the several branches of manufacture.*" In his message of 1815, he says: "There is no subject which can enter with greater force into the deliberations of Congress, than a consideration of the means to *preserve and promote the manufactures* which have sprung into existence, and attained an unparalleled maturity throughout the United States, during the period of the European wars; *this source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.*"

MR. MONROE

Says in his inaugural address, "Our manufactures will likewise

require the systematic and fostering care of Government; possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on the supplies from other countries; while we are thus dependent, the sudden event of war unsought and unexpected, can not fail to plunge us in the most serious difficulties. It is important, too, that the capital which nourishes our manufactories should be domestic, and its influence in that case instead of exhausting, as it may do in foreign lands, would be felt advantageously on agriculture and every other branch of industry; equally important is it *to provide a home market* for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets." Such was the judgment of that wise and patriotic republican, Mr. Monroe. Mr. Adams, his successor, held the same doctrines; and, it is a remarkable fact, that while the different chief magistrates of this nation here differed as to other great matters of public policy, with regard to the constitutionality and expediency of protecting American industry, they have held but one language. Some of our readers may be ready to ask us whether General Jackson agreed with the others in this matter: we know the potency of his name with many, and it therefore gives us pleasure to answer the question in the affirmative. We give you the testimony of

GENERAL JACKSON.

In his message of December, 1830, he says: "The power to impose duties on imports originally belonged to the several States. The right to adjust these duties with a view to encourage domestic branches of industry is so completely identified with that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or reservation. * * * The authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently, if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to *foster their own industry*, and to *counteract the most selfish destructive policy* which might be adopted *by foreign nations*. This surely can not be the case. This *indispensable power* thus surrendered by the States, must be within the scope of the authority or the subject expressly delegated to Congress." We shall for the present dismiss General Jackson as a witness, but will bring him to the stand to testify several times before closing this

side of the question. To the authorities cited, and to the witnesses already introduced, any number of the prominent men of the nation, as well as Congress after Congress of the Republican school might be added. Mr. Clay has been referred to by the writer of the pamphlet as favoring a high tariff, while he has omitted the vote of Mr. Van Buren for the high tariff of 1828, called by him the "bill of abominations." This does injustice to Mr. Van Buren, unless he has changed his opinions, and fallen in with the British free-trade doctrines, to reconcile the South to "the Northern men with Southern feelings." Having fully sustained the Constitutionality of a protective tariff, we ask the reader to follow us into the question of the expediency of the measure. Is it good policy to levy imposts for protection, or, in other words,

SHALL WE PROTECT OUR INDUSTRY?

The expediency of affording ample protection to American industry, is maintained by the Whigs of Indiana, adhering to the old Republican doctrines; while the leaders of the modern Democracy of Indiana go for revenue alone, whether the industry of the country is sufficiently protected by the levy or not, following in the footsteps of the British and South Carolina free-trade school of politicians. The doctrine avowed and maintained by the Whig party is, that American legislation should foster and protect American industry; while the leading modern Democrats contend, that no protection beyond the revenue point should be afforded in any event, and, consequently, that our manufacturers, mechanics, and artizans, must remain subject to the operation of European competition, with its pauper labor under foreign legislation, against the free labor of America; putting our labor by necessity, in order to compete with the foreign, at the starving prices paid to European serfs. The whole policy of protection has been assaulted by the pamphlet referred to, with an ingenuity and fertility of imagination worthy of a better cause; yet in it little can be found that is new. The British pamphlets and free-trade essays of the South give sufficient evidence that the writer does not stand alone as the disciple of this anti-American doctrine, but *they* preach it for *us* to practice upon, while *they* keep up *their restrictions*. We will proceed to examine some of the main points in controversy.

The writer sets out with the *assumed position* that *a tariff is a tax* on imported articles, and that *the consumer pays that tax*, and by taking this position as granted, he may readily arrive at the conclusion to which he wishes to come, that if we should import $100,000,000 of foreign articles in a year, at an average duty ad valorem of 30 per

cent., of course the people have paid in the single year $30,000,000 of a tax, beside the profits and charges on the imports; he is then enabled to cry out, is it thus that the Whigs are oppressing you with their high tariff? He is then prepared to show at once, that direct taxation is the best mode of raising revenue, because least expensive; and, indeed, it may be safely affirmed, that were it not for the unpopularity of the position, the whole school of these leading free-trade modern Democrats would come out like McDuffie, Pickens, and Rhett, of South Carolina, in favor of direct taxation to raise revenue for the General Government; for if they really believe that the consumer pays the duty, the next step follows, of course, and the very moment you take from them this sandy foundation, their whole superstructure of free-trade falls to the ground.

DOES THE CONSUMER PAY THE DUTY.

Unquestionably, says the writer of the pamphlet; let us see. If this were so, why should Great Britain complain of our tariff? If our citizens pay the duty, of what importance is it to her how much they pay, so that her merchandize is not prohibited? If the consumer pay the duty, of what importance is it to us how high the rates are in Great Britain, so that our produce is not excluded? Is such the understanding of the two nations? If so, would not each look on with perfect indifference while the one was levying high duties on her subjects, and the other burdening her own citizens with high taxes? On the contrary, is it not the universal understanding of all civilized nations, that the restrictions and duties imposed by their tariff laws on foreign imports operate in a very great degree against the producer of the foreign articles, and not against their own citizens or subjects. The position that the consumer pays the whole duty or tax, as a general principle, reverses the whole order of commerce, and strikes at the vitals of all imposts; but it is not true as applied to any other than imports of articles that neither come into competition with domestic articles, nor with articles admitted at a less rate of duty from abroad; as the article of coffee, which is now duty free when imported in American bottoms; and even that is doubted, as there never has been any identity between the price of coffee and the duty: but suppose we should send coffee to Rio or Java, and there should be a duty levied upon it, where it would come into competition with the domestic article, would the consumer pay the duty? or would the producer pay it before he could bring his article into market in competition with the Java or Rio coffee? Illustrate the idea further, by taking an article from the British tariff which will be found under the free-

trade head of this side of facts. Hams from the British colonial possessions pay in Great Britain three fourths of a cent per pound duty, while United States hams pay two and three-fourths cents per pound duty. These hams come into competition in the Liverpool or Manchester market. Would the British consumer pay two cents per pound more for the American ham of the same quality than he would for the other, merely to sustain the theory that the consumer pays the duty, or would the American producer pay into the British exchequer the duty himself, before he could sell his hams and the consumer eat it at the price he whould have to pay for the colonial ham, paying two cents per pound less duty? So thinks John Bull, and so it would seem. The same idea may be illustrated by a grievance complained of by the Indiana boatmen, through a legislative resolve at the last session that their boats were taxed wharfage, and they had to pay a license to sell their produce at the towns on the Mississippi. This was to be sure a tax, but leading modern Democrats of the free-trade school would say that the boatmen had no ground to complain, as the whole loss fell at last on the consumer of the produce, and the boatmen in fact paid nothing. We ask those engaged on the river if they believe this doctrine. Two vessels land at Liverpool at the same time, one is loaded with Hindoostan, and the other with Carolina cotton; the India cotton pays only eight cents per cwt. duty, while the Carolina cotton pays seventy-two cents by the British tariff; the cotton is of the same quality, to be sold in the same market: who pays the sixty-four cents per cwt. the difference of duty, the British consumer or the American producer? Would the British manufacturer give sixty-four cents per cwt. more for the American article, so as to pay the duty, than he could buy the India article for? No, says the leading modern Democrat, but the India article would sell for the increased price of the duty paid on the American article. If this be true, then the duty of seventy-two cents might just as well have been levied indiscriminately on both articles, so far as the British consumer was concerned.

Such is the fallacy of this doctrine.

DOES THE DUTY RAISE THE PRICE.

CERTAINLY it does, says the leading modern Democrat, precisely to the extent of the duty imposed. If it were not so, why do the manufacturers demand high duties? This question is altogether satisfactory to the person who puts it and is deemed by him entirely conclusive of the matter, when in truth it is just as great a fallacy as the other, as all our experience has fully demonstrated; even at this very day

and under the high tariff of last year, goods were never lower, as every one knows. If the position of this free-trade school was true, the price of goods would immediately have risen upon the passage of the tariff of 1842: then how do you account for the desire of the manufacturers to have duties high? We answer, that they may be protected in a fair domestic, as well as foreign competition; without being subjected with their limited means, to be overpowered by the concentration of the capital and the pauper labor of Europe to crush them, that those monopolists may have the exclusive markets of America for their own goods. The moment they can destroy our manufactures the field is open, hence they can afford to make a temporary sacrifice to reap the reward in the end. Hear Lord Brougham on that very point, and see how precisely he sustains these views. The imports to this country of 1815 amounted to $113,000,000, while the exports were but $52,000,000. The embargo and the war had proved to be nurseries for our domestic manufactures, and they were fast rising to the point of supplying the demand at cheap rates. Great Britain saw this, and at once applied the power she possessed through her vast capital and cheap labor to crush the American manufactures; hence the excessive exports from that country to this in 1815. These exports were made, beyond a question, at a great sacrifice on the part of the British manufacturer, but their object was to destroy our manufactures at a blow, and not to make profit on their goods. Lord Brougham in his speech in Parliament let out the secret. He says, "The peace of America has produced somewhat of a similar effect, though I am very far from placing the vast exports which it occasioned with those of the European market the year before; both because ultimately the Americans will pay, which the exhausted state of the continent renders very unlikely and because *it was well worth while to incur a loss upon the first exportations in order by the glut to* STIFLE IN THE CRADLE *those rising Manufacturers in the United States.*" It is one object of the protective laws to prevent this. The American manufacturer requires only to be protected in a healthy and uniform competition with others. The tariff for protection gives this, while the external and internal competition bring down the manufactured article to the lowest price for which it can be afforded; the supply at all times being greater than the necessary demand of any given article, the manufacturer as well as the merchant or trader, being in direct competition with other manufacturers and traders at home and abroad, it is impossible that any article can remain a day above its lowest minimum. But Manufacturers are

MONOPOLISTS,

Say our leading, Democratic, free-trade men, and they as Democrats, are opposed to all monopolies. If this were so, it were indeed a generous objection; but can there be a monopoly in any trade or business, whether it be a cotton or woollen manufactory, a mechanic's establishment, a mercantile concern, or a house of public entertainment, so long as these employments are left open alike to the competition, capital, and industry of all? Will not capital find its level in its investment, and is it pretended that any particular business can enjoy an excess of profit in a country like this, open to free competition? If one employment is more profitable than another, others will immediately resort to it. If the Washington Hall is supposed to be making too much money as a house of entertainment, there arises at the next square the Palmer House to divide it. If a cotton factory at Richmond is supposed to be doing well, Mr. West establishes an extensive cotton factory at Indianapolis to share the market and divide the profits. Let us suppose that these manufactures are, as the leading modern free-trade Democrats contend, odious monopolies, will it be contended that the British manufactures are less so? Most certainly not; but, on the contrary, if a large amount of capital concentrated at a given point, and employed in a single manufactory, constitutes a monopoly, then the British manufactories as far surpass ours, as the amount of their investments exceed ours. The question then arises, seeing that we have to sustain manufacturing monopolies at last, which shall we maintain and support, the American monopoly that purchases our corn, beef, pork, flour, and other agricultural products, to support the labor of our own citizens, while they manufacture our cotton, wool, flax, hemp, and other materials that enter into the different articles in domestic use, or the British monopoly, sustained by British labor, British raw materials, and British produce, to be paid for either by American gold or silver or American produce, after deducting a heavy duty to be paid by the American producers? We ask a candid answer. But it is said that the British manufactured articles may be bought cheaper than the same article can be made for here; and hence it is argued that the tariff should be reduced. We have already stated how this matter stands, but let us illustrate it here again:

Whether an article is cheap or dear depends upon circumstances; the price may be low, and yet the medium of payment render it dear. At the present time, a farmer can afford to pay a higher nominal price for any article, in the produce of the farm, than he could get the same

article for in money; the one he has to spare, and the other he has not. A farmer and a hatter join lands, the farmer needs hats for his use, and the hatter needs corn, beef, and pork for his family; it suits these persons to exchange these articles. Now it is not very material what price either puts on his articles—it is but an exchange at last; but suppose at the moment that these industrious men were making the exchange, a pedlar should drive up with a load of English hats, and offer to sell one to the farmer for fifty cents less than the hatter asked for his, but required cash, instead of produce, in payment; would the farmer, by taking the cash from his drawer and paying for his hat, while his produce lay upon his hands without a market, get the article cheaper than if he had bought it from his neighbor? But suppose he had in fact bought the hat for fifty cents less than his neighbor asked, and was able to sell his produce, so as to replace the cash he had paid out for the hat, how then would the account stand next year? The hatter must quit his business because his customers could buy cheaper hats; of course, he must turn farmer. The amount of produce would be doubled, and so would the demand for hats. The pedlar arrives again with his British hats; he now has two families to supply instead of one; his competitor has been driven from his business to farming, by the cheap hats, and he now puts not only the other half dollar on the price of his hats, but adds fifty per cent., so that in the two years the farmer has paid a higher nominal price for hats than if he had bought them from his neighbor, and the price of his produce has been diminished by the increased quantity raised by two farmers instead of one.

Our limits will not permit us to give the many cases that might be put to sustain our position. We leave the reader to supply the deficiency, and proceed to inquire whether a protective tariff gives to the farmer, for his agricultural products,

A HOME MARKET.

This is an important question, but it is not a new one; it has for many years engaged the time and talents of the best men and ablest statesmen of every civilized nation on earth; we have the experience of ages, and the enlightened views of the statesmen of most countries, to aid us in coming to a just conclusion. The writer of the pamphlet, to which this side refers, treats the idea as a fallacy. He says: "Those who contend that it will, say that there are too many tilling the earth, and that we must *hire* some of them to manufacture, by promising to give them more for the articles than we should have to give to others." For this statement we have the word of the writer of the address.

We have not seen the assertion coming from any friend of a protective tariff; it is the language of the anti-tariff, free-trade, British school, utterly denied by the friends of protection. As we prefer to give the grounds of the belief upon which we maintain the affirmative of the position in the least questionable shape, we will introduce to the reader a few witnesses upon this point, and then present some brief views of our own. We have already presented extracts from Mr. Jefferson, fully sustaining our position, we add the following, written by him in reply to Mr. Austin, in 1816, after the late war. "You tell me I am quoted by those who wish to continue our dependence on England for manufactures! there was a time when I could have been so quoted with candor. * * * *We must now place the manufacturer by the side of the agriculturalist.*" Why so, Mr. Jefferson? The answer is obvious; that they may be a mutual benefit to each other; the one furnishing the agricultural products, and the other the manufactured articles in exchange.

MR. CALHOUN,

In 1816, was the champion of a protective tariff, and one of his strong grounds was, that it created a home market for agricultural products. He said: "When our manufactures are grown to a certain perfection, as they soon will under the *fostering care of Government*, we will no longer experience those evils. The *farmer will find a ready market for his surplus produce*, and what is of almost equal consequence, *a certain and cheap supply of all his wants.*"

MR. GALLATIN,

The practical statesman and distinguish financier, long at the head of the Treasury Department, may be introduced to the reader upon this question with advantage. It was in 1810 the extract was written, and the reader will of course make the allowance for the increase since, but he will find the position fully sustained. Mr. Gallatin, in his able report to Congress, urging the protection of our manufactures, estimated the annual product of American manufactures to exceed $120,000,000, and that the *raw materials used, and the provisions and other articles, the produce of the United States consumed by the manufacturers, created a market at home for our agricultural productions, not much inferior to that which arose from the whole foreign demand.*

MR. DALLAS,

Secretary of the Treasury, who was also one of the Fathers of the Republican party, in his very able report in 1816, says: "The *agri-*

culturalist whose produce and whose flocks depend for their value upon the fluctuations of a foreign market, will have no occasion eventually to regret the opportunity of a ready sale for his wool or his cotton, in his own neighborhood, and it will soon be understood that the success of American manufacturers, which tends to diminish the profits, often the excessive profits, of the importer, *does not necessarily add to the price of the article in the hands of the consumer.*"

MR. MADISON,

In his annual message in 1815, urges the protective policy in strong language. "It will be an additional recommendation for particular manfactures, when the *materials for them are extensively drawn from our agriculture*, and consequently *impart* and *insure* to that great fund of national prosperity and independence, an *encouragement which can not fail to be rewarded.*"

We might fill a volume with extracts from the messages of our Presidents, from the Father of his Country down, from the reports of the Secretaries of the Treasury, and the speeches of our distinguished statesmen of all parties, sustaining fully our position; but we forbear to press the evidence further, except to give one more extract from a document that is too important to be omitted. We call the attention of the *original Jackson men* to it; we ask them to compare it with the pamphlet written by one who professed to be his follower, even in the proclamation against the nullifiers, but who now joins hands with these same nullifiers in opposition to the doctrines on this subject maintained by

GENERAL JACKSON.

In his letter to Dr. Coleman, dated on the 26th of April, 1824, he speaks on this subject the language of an American—the language of truth and sound wisdom. He says: "I ask what is the real situation of the agriculturalist? Where has the *American farmer a market for his surplus produce?* Except for cotton, he has neither a foreign nor a home market. Does not this clearly prove when there is no market at home or abroad, that there is too much labor employed in agriculture? *Common sense at once points out the remedy.* Take from agriculture in the United States, 600,000 men, women and children; and you will at once give *a market for more bread-stuffs* than all Europe now furnishes us. In short, sir; *we have been too long subject to the policy of British merchants; it is time we should become a little more Americanized;* and instead of *feeding the paupers and laborers of England, feed our own*, or else in a short time (by continuing our

present policy), *we shall be rendered paupers ourselves.*" In the letter of Gen. Jackson to Gov. Ray in 1828, he re-affirmed and adopted with approbation this letter and its doctrines. And yet, to all this the new allies of the Jackson party turn up their noses and sneeringly remark that those who contend that a protective tariff, will create a home market for our produce, say "that there are too many engaged in tilling the earth, and that we must *hire* some of them to manufacture by promising to give them more for their articles than we should have to give others." With what grace does the writer of the pamphlet cast this stigma on the motives and policy of Gen. Jackson, we leave the people to say.

NUMBER OF MANUFACTURES.

The writer of the address says: "The census of 1840 shows, that there were engaged in trade and manufactures in the United States, including every description of mechanics, white and black, slave and free, only 791,749; while the number of the tillers of the soil was 3,719,951." From this he argues, that the home market is inconsiderable in comparison with the agricultural products, and therefore not worth preserving or protecting. Let us see how this matter stands. He must concede that the 791,749 are supported upon American produce, and are engaged in the manufacture of the American raw material; suppose we transplant them to Europe and buy their manufactured articles; whose produce would they then consume — whose raw materials would they then operate upon? Not ours, but European, as restrictions are thrown around the introduction of our articles, and in that event, we should lose to the farming interest, the market for all the raw materials, and all the produce that these 791,749 persons would consume; or if we fed them and furnished the raw materials, it would be under their tariff.

But this is not all, you can not transplant the men, women and children, you can only drive them from their employment to agricultural pursuits, and then after having lost the market for the produce and raw materials consumed by the 791,749 persons, you add that number to 3,719,951 now engaged in agriculture; making the agriculturalists 4,511,700, and increasing the agricultural products and affecting the price in the same proportion. But even this is not all; the moment you have driven your own tradesmen and manufacturers from their employment, foreigners left without competition, here, would make you pay their own price for their articles, and exact what they please in payment. Let us make an estimate of this: for round numbers, says 800,000 manufacturers to the agricultural interest of the United States; at a very low calculation they must consume each of

agricultural products at least the value of fifty dollars per annum: this amounts to $40,000,000
House rent and fuel, 12,000,000

$52,000,000

Making $52,000,000 annually in these items, without looking to the more important and costly ones of the raw materials, wages of labor and other domestic articles which enter into the price of the manufactured articles; these we leave for the reader to estimate. These are some of the gains to the agricultural interest, by having the seat of the manufactures in this country, instead of England, where our leading free-trade modern Democrats desire to transplant them, or are willing to see them transplanted by the operation of their policy of

FREE TRADE.

This is certainly in sound, a most fascinating doctrine—free-trade—who could oppose it? say our opponents. It only means to sell where we can sell highest, and buy where we can buy cheapest, say its advocates. Such is their definition of free-trade. A British lord recently gave another definition that suited him better; it was, freedom of barter and sale of British goods in the ports of other nations, and high duties and restrictions in British ports of the produce of these nations. We would give it still another definition as being more applicable to the actual state of the case; it is the surrender by the United States of the right to other nations, to control the industry of this by their legislation; for if we omit to pass protective laws, we may preach free-trade as much as we please, and it will avail us nothing; the products of other nations will press down upon us, until our labor will be brought to three-pence a day, and our produce to prices ruinous to the farmer, while not a port of any other country will be relaxed in the duties and restrictions imposed upon our produce. One error of this free trade school consists in this: that they forget that we have no power to legislate for other countries. As well might a farmer declare in favor of free-grazing of cattle, and open his gates and take away his fences from his pasture-fields, while all his neighbors secured and protected their pastures by good fences; we need not tell our farmers how they would come out with such a project in the end. The principle is the same—that of self-protection, and so long as all the civilized nations of the earth keep up their restrictions and duties, just so long we must meet them on the same platform, or sink under the weight of their legislation. Upon this part of our inquiry, we might quote all the distinguished statesmen of the nation, who have

taken part in our political affairs. We deem it, however, unnecessary to do so.

There is one distinguished American who has not been heretofore prominently before the people, whose opinions are entitled to much weight; it is, therefore, with pleasure that we give an extract from a letter, written by the hero of Lundy's Lane,

GENERAL SCOTT.

Recently, to a committee, the General says: "from a familiarity with the principal writers on political economy, I was early much smitten with the doctrines of free-trade; but between the years 1824 and 1828, being stimulated by the discussions of the period to reconsider first impressions, I soon became thoroughly persuaded that that theory of wealth, however beautiful, would impoverish *this country in its free-trade with the many*, whose rival products are shielded by duties generally high, and in many cases prohibitory; until, therefore, the other great commercial nations can be forced to practice upon, as well as to propagate in speeches and writings, these liberal doctrines, *I should be in favor of countervailing and retaliatory duties at home.*" The force and justice of the views of Gen. Scott will appear most manifest from an examination of the following extract from the

BRITISH TARIFF.

ARTICLES.	OF OR FROM BRITISH POSSESSIONS.	FOREIGN PRODUCE.
	S. D. C. M.	S. D. C.
Bacon, per cwt,	3 6 about ½ 0 per lb.	14 0 about 2 per lb.
Beef salted, not being corned beef, per cwt	2 0 about 0 4 per lb.	8 0 about 1½ per lb.
Tongues, per cwt	2 6 about ½ 0 per lb.	10 0 about 2 per lb.
Butter, per cwt	5 0 about 1 0 per lb.	20 0 nearly 4 per lb.
Cheese, per cwt	2 6 about ½ 0 per lb.	10 6 a little over 2 cts. per lb.
Eggs, per 120	0 2½ n't quite 1 0 for 2 dozen.	0 10 about 2¾ per doz.
Hams of all kinds, per cwt	3 6 nearly ¾ 0 per lb.	14 0 about 2¾ per lb.
Lard, per cwt	0 6 not 0 1 per lb.	2 0 about ½ per lb.
Pork salted, not ham, per cwt	2 0 about 0 4 per lb.	14 0 about 2¾ per lb.
Cranberries, per gallon		0 1 about 15 pr. bus.
Pot or pearl ashes	Free	0 6 when for home consumption.
Oil-seed cakes, per ton		1 10 or 22 cents.
Linseed, per cwt		0 1 or 1¾ cents.
Rapeseed, per cwt		0 1 or 1¾ cents.
Beeswax, per cwt	2 0 or 44 0	1 0 or 22 cents.
Stearine candles		0 2½ or about 4 cts.
Tallow, per cwt	3 2 nearly ¾ 0 per lb.	0 3 or about 5½ cts.
Castor oil	1 3 about ¼ 0 per lb.	
Cotton	8 cents per cwt.	72 cents per cwt.

We wish our readers to examine this table, taken from the able report of Mr. Ellsworth, commissioner of patents. Although it does not contain many articles of American export, still it gives a fair average of British duties on American products. Such is the practice of the free-trade school of Great Britain, and yet the leaders of the modern Democratic party in Indiana would meet these restrictions and discriminations with free trade in our ports, unless for revenue; and even then, as we have shown, their doctrine leads to direct taxes to raise it. That there should be found advocates for this doctrine, in Indiana, is passing strange; from the Southern cotton-planter it might be more reasonably expected. He may reason after this wise:

WHY IS THE COTTON PLANTER FOR FREE-TRADE?

May he not answer the question by saying; "My staple is cotton; the home market is secured to me for the article, by a duty of three cents per pound, about fifty per cent ad valorem; my crop is made by my own slave labor; I only pay seventy-two cents per cwt. duty on the crop in England, while the produce of bacon pays two dollars per cwt.; my cotton is worth six dollars per cwt. in Charleston, the bacon of Indiana is worth four dollars per cwt. at New Orleans; so that I pay one dollar and eighteen cents less for six dollars worth of my produce than the farmer of Indiana pays for four dollars worth of his. The price of my cotton in the English market does not depend upon the price of the products of Indiana, upon which I feed my slaves to make the crop, hence my policy is to bring down the price of meats and bread-stuffs, or slave food, as low as possible, which will give me the greatest profit on the crop; and to do this I require free-trade, or low tariffs of duties on British manufactured articles, so as to enable them to give me more for my cotton, to sell to us again manufactured; while, by the same operation, slave food is brought down to the lowest price by the destruction of the home market, and the increase of produce, turning our manufacturers into farmers." Would this reasoning satisfy an Indiana farmer that such was his policy, even if it should the British and Southern free-trade school.

HIGH TARIFFS PRODUCE SMUGGLING.

This objection is frequently urged against high tariffs. The writer of the pamphlet has but repeated the arguments of others on this point. That reckless persons and freebooters should be willing to risk the consequences of forfeiting their goods in an attempt to evade the vigilance of our revenue officers, is, perhaps, to be expected, whether the rates of duties be high or low. Little prejudice to the

revenue, however, was experienced from that source, by the Government, under the high tariff duties of 1828, as the amount of revenue collected at that period will satisfactorily demonstrate. However, with this very position of the danger of smuggling in his mouth, the writer introduces the low duties imposed by the tariff of 1842, on jewelry, etc., articles that are of little weight and bulk, and of great value, which to the amount of thousands of dollars could be smuggled about the person of each passenger from abroad, and intimates that the low duties imposed was to benefit the rich, when he must have known that it was to get some revenue from these articles of import, and, if possible, to make them contribute something to the National Treasury. What had become of his dread of smuggling when he condemned Congress for not levying higher duties on such articles? the effect of which would have been to place the whole trade in the hands of smugglers. It is easy to find fault with a particular duty on a selected article, without knowing the reasons for its imposition, as the writer of the pamphlet is well aware, which might have prompted him to seek for some other motive than the unworthy one he charges, for the imposition of a low duty on these articles. He seems hard to please.

MARKET THROUGH CANADA.

The free-trade modern Democratic party point us to the channel through Canada to the British market, and tell us here is free-trade for the produce of the North-Western States. This is one of their opposing arguments to the doctrines of protection, and the necessity of fostering an *American market* for *American produce*. We will briefly examine this boasted boon. We have given a table showing the duties levied in England on American as well as Colonial produce. The following extracts from high authority, will place the matter in its true light: "The colonists have been incessantly urging the demand on the mother country, for free admission of *their* breadstuffs, but have been denied this boon on the ground that such an arrangement would enable *Americans* to send in their grain free from duty; accordingly, last session of the Canadian Parliament a duty of 3s. sterling per imperial quarter, or 4½d. sterling per imperial bushel was imposed on American wheat, which act was reserved for the assent of the Imperial Government, that unless the latter admit Canadian grain free of duty the act will not take effect. The provincial Parliament will probably impose duties on fresh meat, on cattle, and all sorts of grain; the articles of pot or pearl ashes, flax, hemp, hams, bacon, hay, hides and meat pay an additional duty to that levied by Sir Robert Peel's tariff under the provincial act. If

the new law enacted by the Canadian Government goes into operation in July next, the following will be the duties charged on American produce landed in Liverpool in British vessels; with regard to provisions, a duty of 3s. per cwt. has been imposed on salted meat, 8s. on butter, 5s. on cheese, and 2s. per barrel on flour. These duties are all paid in sterling money, at the rate of 4s. 4d. the dollar, equal to 5s. 1d. Canadian currency, or nearly 102 cents. (See Mr. Ellsworth's valuable report.) This is the BOON, should the English Parliament accede to it, that we are to receive for 'free trade' in our ports of British goods. This trade is to pass through Canada, *we* are to pay the duty to the *Canadian Government* instead of the English Government; *our wheat* is to be ground at *their* mills; the flour is to be carried by *their* conveyances at *our expense*, to their ports, and then to be shipped to England in *British Vessels*, excluding *our* vessels altogether. Such is the political view of free-trade in Great Britain."

IMPORTS AND EXPORTS.

The writer of the pamphlet thought proper to quote Mr. Adams to prove that in a series of years the imports and exports between this country and Great Britain have nearly balanced; this he introduces as an argument to show that it is not necessary to protect and foster our American market for American produce. That proposition, including bullion and specie, may be admitted for the sake of the argument without prejudice to our positions. The imports or exports or trade, between two countries may balance each year, and yet the one impoverish the other in the operation. The yearly account current is generally balanced between the master and servant, while the one rides in his coach and the other is covered with rags; so with the landlord and tenant, the farmer and his laborer, the manufacturer and his operatives; still one may be enriched and the other impoverished by the terms and modes of adjusting and balancing the account. A farmer buys British goods of a merchant, for which he agrees to pay fifty dollars in produce in the fall: the time for payment arrives, the farmer calls with his produce, and is informed that the price of wheat is ten cents per bushel, corn six cents and other produce in proportion; the payment is made at these prices, but the whole year's labor of the farmer is exhausted; the merchant has made a profit on the goods—the *imports* from the store, and the *exports* from the *farm* have precisely balanced; still the farmer is impoverished. About 62½ per cent of all the exports of this country to England is in the article of cotton, at something like eight cents per pound, while the return imports consist of manufactured goods, at from 500 to 2000

per cent advance on the cost of the raw materials. This advance is the *price of British produce*, *British labor*, and the interest on *British capital;* we have thus *bought British wheat* at $1.50 per bushel, and *British corn* at $1.00 in the shape of manufactured goods, while we have sold our wheat at 25 cents and our corn at 10 cents per bushel; or in other words, they have bought our wheat at 25 cents, and sold it back to us in goods at $1.50 per bushel, to "keep up the balance of trade." But for the last four years together the balance of trade has been $18,000,000 against us in favor of England. (See Mr. Ellsworth's report.)

TARIFF OF 1842.

THE censures of the writer of the pamphlet on the subject of the tariff of 1842 have quite as frequently fallen upon his friends as his supposed enemies, for whom they were intended. The writer says, "In vain do we look into this bill for protection to the farmer of Indiana. We beg pardon, to preserve *appearances* of impartiality, it is most graciously provided in this bill, that any beef, pork, wheat, flour, oats and corn imported from abroad shall pay a duty, as if we were afraid that the half-starved of foreign countries could spare these articles, send them here and under-sell us. * * * *This is nothing but the mockery of protection to the farmer.*" This is certainly a happy hit at the tariff of 1842, even if it should not be so complimentary to the candor of the writer, for he well knew at the time he penned the article, that the tariff of 1842, as well as that of 1828, contained the very same provisions, and that they were merely copied into the tariff of 1842. Let us place this matter in a position from which the writer can not escape.

We copy from the tariff of 1824: "On which wheat, 25 cents per bushel; oats, 10 cents per bushel; wheat flour, 50 cents per cwt.; potatoes, 10 cents per bushel." A motion was made to strike these items from the bill, and upon the yeas and nays it was decided in the negative—*Andrew Jackson*, *John H. Eaton*, *Richard M. Johnson*, and *Martin Van Buren*, voting against striking out. (See Senate Journal, 1824.) Was this "*the mockery of protection to the farmer?*" Again: The writer says: "Mark *the deception;* it is provided in another part of the same bill, that all cotton cloth which is not worth more than twenty cents a square yard, should be valued up to twenty cents; now there is a great deal of that article that costs only from six to eight cents to make it at the factory, and this is what is generally used, especially by the laboring part of the people; and yet by this *unjust law* this is valued as high as the superior article, that is, at twenty

cents a yard." This statement is made by the writer as if these minimums on imported goods were first introduced by the tariff of 1842. Why did he not inform the people, that they were introduced by Mr. Calhoun, in 1816, to prevent fraud on the revenue? Why did he not inform his readers, that in every tariff since the same principle had been maintained? Why not give the following extract from the tariff of 1824? "That all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly." The same principle was adopted as to woollen and cotton goods; and yet, strange to tell, this high protective tariff, containing all these odious provisions in the eyes of the writer of the pamphlet, was passed by the votes of *Andrew Jackson*, *John H. Eaton*, *Richard M. Johnson*, *Thomas H. Benton*, and *Martin Van Buren*. The same principle is enacted in the high tariff of 1828, the bill of "abominations" spoken of by the writer of the pamphlet; all this he unfortunately forgets, as well as he does the very unimportant fact that the tariff of 1828, the highest tariff that ever was enacted in this country, containing the same odious principle, was passed by the votes of *Martin Van Buren*, *Richard M. Johnson*, *John H. Eaton*, *Thomas H. Benton*, *Silas Wright, Jr.*, *James Buchanan*, and *William Hendricks*. So much for these important discoveries in the tariff of 1842. But the writer has made another equally candid charge against the action of the Senate, pending the progress of the bill. He says: "On the 2d day of August, 1842, Mr. Tappan, one of the Senators from Ohio, moved to amend the bill, by providing that whenever our corn, flour, and salted provisions, should be received free of duty into any nation of Europe, that the President should make proclamation of the fact to the people of the United States, and that three months afterward, the articles made in that nation should be admitted into the United States at only twenty per cent tax on the value. Every Whig Senator voted against the amendment, including the Senators from Indiana, Smith and White; every Democratic Senator voted for it." Here again the memory of the writer, or rather his industry, failed him before he got through with his story. We will finish it for his edification. The vote he speaks of was given in the Senate as in committee of the whole, the amendment was re-offered in the Senate, when Mr. Evans, of Maine, read the treaty of 1815, between the United States and Great Britain, showing that if the most inconsiderable nation of Europe should let our articles, enumerated in the amendment of Mr. Tappan, into their ports duty free, that very act, by the operation of the treaty, would let the whole

of the British imports into this country at the 20 per cent. ad valorem. So soon as the point was made, Mr. Wright requested Mr. Tappan to withdraw his amendment, and he did so with the approbation of the whole Senate. So much for that discovery, which was long since published in the *State Sentinel*, and exposed in the *Indiana Journal*.

THE SALT DUTY.

The writer of the pamphlet has selected the duty levied on salt, by the tariff of 1842, as especially objectionable. He is welcome to all the capital he can make out of the salt question. But hear him. He says: "Salt, that prime necessary of life, which the wealthy inhabitant of the city only uses on his table, but which the Western farmer uses so extensively to save his pork, and beef, and bacon, and to salt his stock, this article even in tax-oppressed England is admitted tax free; it is there regarded, like the air we breathe, as an absolute necessary. But in this land of liberty, where we have so many stump professions for the poor, the poor man's salt is sorely taxed; aye, taxed by this boasted tariff, this poor man's best friend." Would not the reader be led to believe, from the above, that the tariff of 1842 was the first act that levied a duty on imported salt? Such, certainly, was the impression the writer intended to make. How then stands the case? Under the tariff of 1816 a duty of twenty cents per bushel was collected on imported salt; by the tariff of 1824 the same duty was continued; and this act, passed by the votes of *Andrew Jackson*, *Martin Van Buren*, *Richard M. Johnson*, *John H. Eaton*, and *Thomas H. Benton*. When the tariff of 1828 was under consideration, an attempt was made to modify this duty. Mr. Chandler, of Maine, in the Senate, moved on the 6th of May, to amend the bill as follows: "That in lieu of the duties now imposed by law on imported salt (20 cents per bushel), from and after the 30th day of June, 1829, the duties on imported salt shall be fifteen cents per bushel weighing fifty-six pounds, until the 30th day of June, 1839, and after that day the duty shall be ten cents per bushel weighing fifty-six pounds." Upon this amendment, striking off one-fourth of the duty on salt at once, and one-half after the 30th of June, 1839, the following Senators voted in the negative: *Martin Van Buren*, *Richard M. Johnson*, *Mahlon Dickerson*, and *Wm. Hendricks*. The salt duty was left at twenty cents the bushel, and from that time until it fell under the operation of the compromise act, it stood at twenty cents. Such was the tax levied and collected upon this article during the whole of the administration of General Jackson, while the Democrats held the Government, except as it was modified by the Compromise Act. Had the writer of the

pamphlet forgotten all this? That is the most charitable view of the subject, or he surely would not have omitted so important a part of the history of the salt duty.

A word as to the act of 1842, at which the writer of the pamphlet looks with such holy horror. That act levies a duty of eight cents on the article—less than one-half as much as *Gen. Jackson*, *Mr. Van Buren*, *Col. Johnson*, and *Wm. Hendricks* had decided was just and proper, and the Indiana Senators, "Smith and White," voted to strike that out, and make salt free, while Mr. Wright, the immediate representative of the State and views of Mr. Van Buren, voted to retain it in the bill. Why did not the writer of "facts" state these facts, if he desired to give all the facts to the people of Indiana? The writer complains that we have to pay a high duty on foreign salt, to salt our beef and pork to send abroad, as the domestic salt will not answer. Surely, we pay no duty at all, if the doctrines of the writer of the pamphlet, and his school of politicians, be true—"*The consumer pays the duty.*" This is his position; let him see how it cuts up by the roots his salt tax, so far as it applies to salted provisions not consumed in Indiana, or the State or country where they are packed.

A "HIGH TARIFF DEFEATS ITS OBJECT,"

Says the author of the pamphlet. Its object is revenue, he says: and that object is defeated by high duties. He admits that the tariff of 1828, was the highest that has ever been passed in this country; and he tells us that the Compromise Act was passed to bring down the rate of duties to the revenue standard. Was it because we collected too much, or too little revenue? Let him answer. Mr. Calhoun contends that it was the high tariff of 1828, that not only paid off the National Debt, but was the cause of an overflowing Treasury. The fact is beyond controversy; that we had money enough in the Treasury and to spare, under this high tariff; while under the low pressure, ad valorem, twenty per cent duties of the Compromise Act, which is the favorite of the writer of the pamphlet, our Treasury was empty, the Government bankrupt, our industry paralyzed, and our produce without a market. These are "facts for the people." So much for that objection to protection.

"DEMOCRATIC POLICY AS TO A TARIFF."

"In the first place it is to reduce the National Expenses," says the writer. Precisely so, we say. That is certainly the *doctrine* they *preach*, but it is not the "*policy*" they *practice*. Unfortunately for the writer and his party, we have some evidence on that point also,

and we are prepared to compare notes. How stands this matter? We presume it will scarcely be questioned, that the administration of Mr. Van Buren was a Democratic administration in the modern acceptation of that term; and we are prepared freely to admit, that the administration of Mr. Adams was purely a Whig administration. We will therefore take these administrations, by which to test this preaching *vs.* practice. This will of course be entirely satisfactory to the writer of the pamphlet.

NATIONAL EXPENDITURES.

Four years of the administration of Mr. Adams, $95,805,446. Four years of the administration of Mr. Van Buren, $142,561,945. So that the *Democrats* in four years *reduced* the expenditures of a *Whig* administration from $95,805,446 to $142,561,945, and still "*the Democratic policy as to a tariff is in the first place to reduce the National Expenses.*" These are facts for the people. The administration of Mr. Tyler is spoken of by the writer, as being a Whig administration; this is doing us over-much kindness. Mr. Tyler is one of the "modern Democratic" candidates for the Presidency, disclaiming all connection whatever with the Whig party, and standing in direct opposition to their measures. We claim no share or lot in his administration, so far as the executive department is concerned; but we do claim for a Whig Congress, however, a very great reduction of the "National Expenses" from those of Mr. Van Buren's administration, as the official reports will finally prove.

TREASURY NOTES AND PUBLIC DEBT.

The author of the pamphlet is exceedingly anxious to charge upon the Whigs, the issue of Treasury notes to sustain the Government. He seems to have forgotten altogether that they were resorted to by the administration of Mr. Van Buren, to keep its sinking fortunes afloat until its close; notwithstanding Mr. Van Buren found a National Debt of only $1,879,312, and cash in the Treasury, when he came into power, $18,606,792, and received in the course of his term, the dues from the Bank of the United States, and from the merchant's suspended bonds of New York, amounting together, over and above the whole National Debt, to about $25,728,480, besides all the ordinary receipts from customs at a high rate of duty, and $19,165,289, from public lands, and yet he expended all this and left a debt, as officially reported, of $6,488,748, but which did not include the annuities payable by the Government, or the outstanding appropriations. Gen. Howard, in his Zion letter, is conclusive as to the issue of these Treasury notes, and that they are the Democratic currency. He says: "I

was in favor of Treasury notes, and voted in favor of issuing them, when I was in the last Congress. I am yet of the opinion that they furnished, and would continue to furnish, a most valuable currency, and with one modification would enter the general circulation, and would be a valuable medium in the transactions of society. I refer to their denomination; they should be reduced so as to enter into the smaller dealings." The writer of the pamphlet in his zeal to charge the Whigs with creating a National Debt, says: "In less than two years, the National Debt has been increased *by them*, to about $16,000,000!" Now, it so happens that this statement requires proof. That there was a National Debt to the specified amount, may be admitted without touching the question between us; the charge is, that it was created *by the Whigs*. This we deny. We say that Mr. Van Buren expended over $25,000,000 in his four years, more than the ordinary revenues of the Government; that he left an officially reported debt of $6,488,748, for his successor to pay, besides leaving a considerable amount of annuities to pay to Indian tribes, as well as a large amount of outstanding appropriations to provide for; that he left the tariff at the lowest minimum of the Compromise Act, producing much less revenue than was received from imposts during his administration; and, what was worse than all, he left the currency deranged and depreciated, and the industry of the people paralyzed, so that they were unable to contribute to the National Treasury as they had done before. The Whigs have created no National Debt; they found one which was rapidly increasing under the administration of Mr. Van Buren, which they have done all in their power to arrest, but have been prevented by obstacles and circumstances, over which they have had no control, and for which they are in no wise, responsible. This article, like others, we are compelled to close without going so much into detail in this matter as we could desire; but we have said enough to show that there are two sides to this matter, of a National Debt and Treasury notes.

REMEMBER

That "The mandate went forth in the message to Congress of Gen. Jackson, December, 1829, to destroy the credit and financial system of the United States. The first experiment resulted in the inordinate multiplication of irresponsible State banks, and the consequent excess of their paper led to the issues of most of the stocks of the Western and South-Western States, and to the creation of the greatest portion of their present heavy indebtedness. For we can not be too often reminded of what shall never be forgotten, that during the ten years of 1820 to 1830, while a National Bank existed, only twenty-two

State banks were chartered with $22,000,000 of capital; whereas, from 1830 to 1840, during the period of the State bank system, the authors of which now call themselves the supporters of a specie currency, and charge all the misfortunes and embarrassments of the country to the policy of their opponents, three hundred and forty-eight new banks were created, with $268,000,000 of capital. During the years 1835 and 1836, and part of 1837, while the system was at its hight, more than one-half of the whole amount of existing State bonds was created, comprising nearly the whole of the stocks of the States whose situation is becoming too critical." All this was done under the reign of our opponents, and now they desire to make the people believe that the condition of the country is chargeable to the Whigs.

IS IT TRUE?

The writer of the pamphlet puts the following inquiry to the people: "What would have been Mr. Webster's course on the tariff bill passed at the last session of Congress in 1842, if he had been there as a member from Indiana? He would have found *scarcely a single article* raised or made in our State which is protected by that bill." This was no doubt intended as a censure of the vote given in favor of the bill by the Representatives from Indiana. So far as they are concerned, it is not very important to attempt a justification of the vote, nor is it of any deep interest to the people of Indiana to know how Mr. Webster would have voted as one of the Representatives of Indiana: but as the principles maintained by us are involved in the interrogatory, it may be proper to inquire whether it is true, in point of fact, that "*scarcely a single article raised or made in our State is protected by that bill.*" Such statements should not be lightly made, and if made, should, at least, be substantially true. As this is an issue of fact between us and the writer of the pamphlet, to be decided by the people, we give the following extracts from the tariff of 1842, and then leave the reader to decide whether "*a single article raised or made in our State is protected by that bill.*"

EXTRACTS FROM THE TARIFF OF 1842.

"On unmanufactured hemp, $40 per ton; on ready-made clothing, etc., an ad valorem duty of fifty per cent.; on tanned sole or band leather, six cents per pound; on all upper leather not otherwise specified, eight cents per pound; on vessels of cast iron, one cent and a half per pound; on all skins, five dollars per dozen; on men's boots and bootees of leather, wholly or partially manufactured, one dollar and twenty-five cents per pair; men's shoes and pumps, thirty cents

per pair; women's shoes or slippers, twenty-five cents per pair; on rifles, two dollars and fifty cents each; on axes, adzes, hatchets, etc., thirty per cent ad valorem; fur hats, caps, etc., thirty-five per cent ad valorem; hats of wool, etc., eighteen cents each; on bank, folio, quarto, posts of all kinds, and letter and bank note paper, seventeen cents per pound, etc.; on foolscap, imperial, medium, etc., writing paper, fifteen cents per pound, etc." This list might be greatly extended, but we are content to submit the issue upon these items. Is scarcely a single article of them "raised or made in our State?" If not, then the writer of the pamphlet is correct in that statement. But suppose it were true that the bill did not protect "scarcely a single article that was raised or made in this State," would that render it obnoxious to the censure of the writer? Have we no interest in protecting the manufactures of other States? Have we not material, water-power, and other facilities for manufacturing our raw materials, that they have in any other State, and is the act merely to operate on manufactories in existence at the time the bill passed? Is it not rather to encourage capitalists to make investments in that business, and by the domestic competition to bring the articles of domestic use to the lowest price to the consumer? It is true that Indiana is most essentially an agricultural State, capable of producing almost any given quantity of agricultural products; still she abounds in the material of a manufacturing State also. But suppose she was never to manufacture a single article, is it not a desirable object to give to the farmer a ready, safe, and good home market, for the surplus produce of his farm? Give him a market for his produce, and he will prosper. We deny that we go for protection for the benefit of the manufacturer alone, and contend that the farmer, the person who raises the raw material upon which the manufacturer operates, and who furnishes the corn, beef, pork, flour, and other produce upon which he subsists, and which he is prepared to receive in exchange for manufactured articles instead of money, is quite as much benefited by protection as is the manufacturer. The views of the writer of the pamphlet, if founded in fact, it is submitted, are entirely too limited for the subject. We repeat what we said on another occasion, that "There is not a country on the face of the globe where the different interests are so dependent upon, and useful to, each other as they are in the United States. It really seems that Nature's God had destined this great nation to remain forever one in interest, one in principle, and one in glory—the climate, the soil, the products, in a word, the interest of the whole, and the interests of the parts, all point to the same great vital principle, *Union*, now and forever. The South

and South-West, from climate and soil, are especially adapted to the culture of rice, cotton, tobacco, and indigo, and the manufacture of sugar and molasses from the cane; these products will always be demanded for the consumption of the other sections of the Union. The Middle States abound in mineral wealth, which they are prepared o manufacture in sufficient quantities to supply the consumption of the whole Union. The East and the North have the power, the capital, and the manufacturing skill, to prepare the raw staple of the South, as well as the wool of the other sections, for the use of the whole; while the West, the fertile West, can furnish a supply of flour, corn, beef, and pork, to feed all the operatives of the Eastern, Northern, and Middle States, as well as all the planters of the South and South-West. The East may bear the same relation to the South in interest, that the island of England does to the East Indies, in the manufacture of their great staple; while the home market will be furnished for the products of each section of the Union." Shall these great national and individual interests be left to the tender mercies of foreign legislation? We say not. What say the people of Indiana?

WHIG PROMISES.

There are few subjects connected with political events to which the leaders of the modern Democracy so frequently advert, as to what they are pleased to call violated Whig promises. The writer of the pamphlet seems to have caught the contagion for this kind of political argument, as he has infused a goodly portion of it into his political text-book. They tell the people that not a single promise made by the Whigs, when they came into power in 1841, has been performed, and still they pretend to hold the Whig party responsible for the condition of the country. Is this fair? Is it candid? If the Whigs have carried out none of their measures, and have performed none of their promises, as they tell the people, then most assuredly the nation has been running down under the measures and policy of the administration of Mr. Van Buren, and the Whigs are in no otherwise responsible than that they did not arrest the deleterious policy of that Democratic administration. If their position be true, and they believe in their own measures, they ought to rejoice that the Whigs had fulfilled none of their promises, and they should hold themselves responsible for the present condition of the country. But suppose the Whigs have not carried out all their measures as they hoped to do, does it lie in the mouth of our opponents who joined in with President Tyler in opposing our policy, to upbraid us with our failure, and then hold us responsible? If they wish to state facts,

why not tell the people that in a short month after the inauguration of our beloved Harrison, and before any of our measures were adopted, he was taken from us by death, that the administration of the General Government was no longer in accordance with the views of the Whig party; that President Tyler, listening in an evil hour to the suggestions of the enemies of the party that had elected him Vice President, turned against the Whigs and their measures, and by the exercise of the veto, as effectually deprived them of the power to enact their measures as if they had been in a minority in both houses of Congress, as they had not two-thirds to carry a bill over his veto. How then can the Whigs be held responsible? Give us a Whig Congress, and a good Whig for President, and we will cheerfully hold ourselves accountable for the success of our measures and the prosperity of the nation; and if the Whigs will do their duty and come up to the polls, they have nothing to fear; but they *must vote* to insure success.

MANUFACTURING POPULATION.

The old statement that the manufacturing population of a country is low, degraded and miserable, is revived by intimation in the pamphlet. This argument against encouraging American manufactures was put forth in 1816, and the manufacturing population of Great Britain was referred to in proof of the position. Mr. Calhoun, who was then a zealous advocate of the protective policy, gave to the argument an answer that silenced those who had been urging it. He said the question was not what was the condition of the population of England with her manufactures, but what would it be without them, leaving the men women and children, thus engaged without employment. The answer is conclusive. It is like objecting to a man as a bad member of the church, without reflecting what kind of a man he would be if removed from its salutary and protective influence. We have tested the matter in the United States. Let any one go to the extensive factories of Lowell, Massachusetts, and he will there learn lessons of economy, order, sobriety, and correct moral and religious deportment that he could scarcely learn elsewhere. A few years ago the spot where that Manchester of America now stands, was a solitary farm; now it is a beautiful city, containing over twenty thousand inhabitants, industriously employed, beneficially to themselves and country. Nor is their intellectual improvement neglected; at a very recent date the writers for an excellent periodical published there were factory girls; so that it does not follow that a manufacturing population is necessarily less respectable than any other, nor do the causes which operate upon a dense European manufacturing population exist

here, where all are at liberty to select their occupation, and where all can follow their employment with fair prospects of success, if economical and industrious.

DISTRIBUTION POLICY.

THE policy of distributing the proceeds of the sales of the publi lands among the States, to relieve the people from direct taxes, is als opposed by the writer and the other leaders of his party. To go into this question at large, at this time, would occupy too much space, but we may be permitted to say, that it is astonishing to find any citizen of Indiana opposed to a policy to relieve the people from embarrassments in any degree. Do our people need relief? Is money in Indiana too plenty? Are our taxes no burden? Is our share of the public lands not worth contending for? Shall all the money from the West be drawn into the National Treasury through imposts and the land-offices, and we have no return? Shall the expenditures of this money be on the sea-board, and the West be excluded? Shall we tamely yield all our interest in the public domain, as well as in the deed of session from the States, without a struggle? So say the modern Democrats. We say otherwise. Let the people judge.

"POOR MEN."

The writer of the pamphlet has professed great compassion for the poor. We do not wish to be understood as questioning his sincerity; but as a general rule we would say, when you see a candidate playing the gentleman at large, living on the hard earnings of others, whether *he* be *rich* or poor, reading homilies in the street or elsewhere, about the "*rich and poor*," professing to be "the poor man's friend,"—watch him—keep your eyes upon him—he has some design upon your vote, your person, your property or your labor; set him down as an enemy to the peace, good order and prosperity of society. Look upon him in the same light as you would a disturber of the harmony of families, or mischief-maker between members of the same or different churches. We acknowledge no distinction among our fellow-citizens, except that which is drawn in legible characters between vice and virtue. We deny the position that there are distinct interests among the people, standing in opposition to each other, if rightly considered, and maintain that we are mutually beneficial to and dependent upon each other; that the interest of one class can not be effected injuriously without producing a corresponding injury to every other. The material of society has been so wisely constituted that its parts harmonize and act beneficially together, like the human body and the limbs, and a riot

among the latter on the ground of separate antagonist interests, would be no more destructive of the health and happiness of man, than is this suicidal doctrine, that the members of society have separate and distinct opposing interests. The truth is, we are sailing the voyage of life, in the same political vessel, and are subject to the same tempests and storms; they may injure some more than others; but at last, if the vessel is stranded, wrecked, or sunk to the bottom, the officers, passengers, crew and cargo must all be victims of the catastrophe. If we felt disposed to follow in the train of thought of the writer of the pamphlet, we might ask the laboring man whether he gets along easier, has better employment and higher wages now, when improvements are suspended, than when times were prosperous, improvements being made, and capital energetically employed, by those whom the writer calls rich, and against whom he would willingly excite your prejudice. We presume not.

FEDERAL MEASURES.

Names are all powerful in political contests. Well do the leading modern Democrats know the force and truth of this remark, hence they not only hold on to the respectable name of Democrat, but with one voice they stamp their opponents with the name of federalist, and their measures as federal measures. *They abandon* and *adopt* measures themselves at pleasure;—at one time for a National Bank, at another, against it; at one time for the pet bank system, at another, against it; at one time for the issues of State and Local Banks, at another, against all bank-paper; at one time for Treasury notes, at another, specie; at one time for distribution, at another, against it; and still *they are Democrats*, and *each measure while they support it, is Democratic*. But the moment *they abandon it for some new expedient*, it becomes a *vile federal measure*, and all who support it *federalists*.

"WHIG POLICY."

The general policy of the Whigs of Indiana as to national measures is to protect by a tariff, American industry, thereby stimulating and rewarding the manufacturer and mechanic, and giving to the farmer a sure and safe *home-market* for at least a portion of the surplus products of his farm, leaving him to compete for the balance with the produce of other countries in foreign markets. To supply the National Treasury with money sufficient for an economical administration of the Government from imposts. To foster our commerce by confining the trade as much as possible to our own vessels, and making up for any partial loss of the foreign, by the domestic coasting trade.

To furnish to all classes of industry a sound and uniform circulating

medium of specie, and paper money convertible into specie at the will of the holder, emitted by a National Bank under the supervision of the representatives of the people; and acting at the same time without charge, as the fiscal agent of the Government, in the receipts and disbursement of the revenues; as the Bank of the United States did for twenty years, while it remained a national institution, without the loss of a dollar. To aid the States and people, through the public lands, in paying their debts, and especially their taxes, and by that means to bring back to the West a portion at least, of the money that is yearly carried away through the imposts and the land offices. All these doctrines are denounced by the leaders of the modern Democracy as rank federal measures.

"FACTS FOR THE PEOPLE."

No one controverts the facts that are present and felt by all, that the nation and people are greatly embarrassed in their finances, that the Treasury is only enabled to meet the demands upon it by temporary appliances, that the industry of the people goes unrewarded, while distress and bankruptcy pervade the land. Why is this so, and what is the remedy? A few thoughts on these questions may be acceptable. We are practical men, and therefore direct our attention to the matter in a practical, common-sense manner, testing our views by experience, the best and wisest of teachers, although not always the cheapest.

THE TRUE POLICY.

Reflect upon the following undeniable facts and their results, and then decide for yourselves as to the true policy to be pursued:

This is not the first time we have been thus embarrassed. In 1815, at the close of the war, the nation owed a public debt of $132,103,472; our citizens owed at least as much more; our industry was paralyzed, our Treasury empty, and our currency deranged and depreciated. Such was the state of our national affairs when Congress assembled in December, 1815. That Congress was composed of the patriots and sages, some of the Revolution, but more of the second war of independence; they were the staunch Republicans of the day, with Mr. Madison at the head as President. The desperate condition of public affairs demanded and received their immediate attention; efficient measures were essential. Mr. Madison recommended a protective tariff, precisely the same measure that the Whigs contend for now, and strange to tell, that "*federal measure*" and a *National Bank* were immediately adopted with great unanimity by a *Republican Congress*, as the true remedy for the embarrassed state of the National Treasury, as well as for the prostrate condition of the industry of the people and the

depreciated state of the currency. The protective tariff of 1816 was passed; the Bank of the United States was chartered for twenty years. In 1824 the tariff was increased, and in 1828, brought up to its maximum. In 1833 the Compromise Act was passed, providing for periodical reductions of duty. The tariff fell below the protective point, and the charter of the Bank expired with the close of the administration of Gen. Jackson. With a recollection of these facts, the reader will be prepared for the results under

PROTECTION AND A BANK.

At the time these great national measures were adopted, as we have already said, the National Debt was $132,103,472. At the close of the administration of Mr. Adams, it was $59,144,413. At the close of the administration of Gen. Jackson it was $1,379,312, and there was cash in the treasury $18,606,792. So that at the close of the administration of Gen. Jackson in 1837, the nation was actually out of debt, and we had a surplus in cash in the treasury of $16,728,480, besides having deposited with the States $28,101,644. Mr. Van Buren then came into power with a nation free from debt, $16,728,480 in the Treasury, about $9,000,000 due to the United States from the Bank and from suspended merchants' bonds in New York, which he received during the term, making about $25,728,480 at his command, besides the proceeds of the customs and the public lands. But the Bank furnishing a national currency was no longer in existence, and the tariff had run down below the protective point; or in other words, the Whig or Republican measures had been abandoned by the modern Democracy. And what was

THE RESULT?

Mr. Van Buren administered the Government only four years, and at the end of his term, the $25,728,480, besides the proceeds of the customs and lands was all expended, and the nation owed a debt as officially reported of $6,488,784. So that if Mr. Van Buren had been compelled to rely on the ordinary revenues derived from imposts and public lands, he would have left the Government in debt $32,217,264, in his four years.—These are "facts for the people." Now we leave it to the leaders of the modern Democracy to say whether Mr. Van Buren *mal-administered* the Government, or whether these financial disasters should be attributed to an abandonment by them of those national measures adopted and maintained by the true Republicans, the Whigs.

We have only given the general financial results, the reader can contrast the condition of the pecuniary affairs of all interests, under

the former and late policy. The benefits of the tariff of 1842 have not yet been much felt, owing to the short period it has existed, and to the pecuniary embarrassments of the people; nor can it ever be of so much benefit to the industry of the country, without, as it would be with a sound, uniform, paper circulating medium to aid its operation. Without such a currency, experience has taught us that this nation must continue to be embarrassed. The general laws of a country require time to develop their blessings, however wise they may be; and more especially does this principle apply to tariff laws—they should never be disturbed for light causes. We hold, that the same measures that were adopted by the Republican party, at the close of the war, to pay off the national debt, replenish an exhausted treasury, and lift the prostrate industry of the country from the dust, are the true measures of this nation at this time. They produced the desired effect, and shall we turn a deaf ear to the voice of reason and experience? Shall we prove, in our persons, that man is the only animal that will rush madly against the lessons of experience, to his own destruction? Are we so much wiser than those patriarchs and statesmen who have preceded us, that we should repudiate the measures which they adopted, and which proved to be wise and judicious, exactly adapted to the genius of our people, their habits and pursuits in life, under which we have prospered, without a parallel in the history of the rise and progress of any other nation on the face of the globe? Let the people answer.

CONCLUSION.

We need not tell our fellow-citizens, that we ardently desire to see our beloved country marching onward to her destined greatness. Shall we tell you that we hope to see Indiana rise to her true position in the galaxy of States? Are we required to say, that we wish to see our fellow-citizens of Indiana prosperous and happy? How could it be otherwise? If there were no other ties to bind us, the fact that "wife, children, and friends" are among the passengers and crew of the gallant vessel, would be a sufficient guaranty of our devotion to Indiana, and all that is dear to her. We hope enough has been said to give the people at least a glimmering of the other side of the questions involved in the pamphlet which we have cursorily noticed. We believe that the doctrines advanced and maintained by the writer of that pamphlet are adverse to the best interests of the nation, and people. We have deemed it right to present the matter to our fellow-citizens, calmly, frankly, and candidly, and we only regret that our

limits do not allow us to do more justice to the subject. We have, throughout, drawn a distinction between the modern Democratic party, and the old Republican party, and have shown how far that discrimination is justified by the measures of each. We have also maintained the distinction between the leaders and the people of the self-styled modern Democratic party, believing, as we do, that the great body of the people hold no fellowship with the doctrines advocated by these professed leaders. We have plainly and freely laid our principles and policy before you. We ask you to examine them for yourselves, as we can not doubt but that you will, by so doing, arrive at the conclusion to which we have come, as to which is the true American policy of the Government.

BUCKWHEAT STRAW PRINCIPLE.

FORTY years ago, there resided some miles back of Rising Sun, in Dearborn county, a small farmer, by the name of John Payne, an emigrant from the State of New York. Mrs. Payne was a neat, clean, fine housekeeper. Her table looked nice, the cloth, and every thing neat and clean; in fact, hers was one of the best places in the woods to get a meal, as we ranged in our gunning excursions. I had noticed some half a dozen lively little flaxen-headed daughters running around, occasionally assisting their mother with her domestic affairs. I remarked to her one day, "Who would not be proud of such fine daughters." I touched the right string, it vibrated with a flash. "Yes, Mr. Smith; they are my jewels, if I have nothing else to be proud of, I can look at my little daughters and feel happy." My gunning days were soon over, and I never visited Mrs. Payne's again. Time rolled on, the Misses Payne, as they grew of age, were married one after another, to the very first young men in the country. I met Mr. Payne, years afterward, at court, at Lawrenceburg, and inquired after his family. "The old lady is well, and my daughters are all married." "Yes, I noticed their marriage in the papers; they married well." "Of course they did; I married them off on the *buckwheat straw principle*." "How is that." "You may let your buckwheat straw lie in the open field, where your cattle run, without fence as long as you please, and they will never eat a straw of it; but just put a light, rickety fence around it, let the cattle break over, and dog them out a few times; still mend up the fence, and they will break down your fence again, and eat up the straw clean; so with the young men and the girls. My daughters were well raised, good-looking, smart, and finely dressed; they attended public gatherings, and were much admired. I kept my eyes on them, and whenever one of them was accompanied home by a young man just such as I would like, I would privately tell some of his associates that he must never be seen about my house again, or it would not be good for him; the principle never failed to operate, a clandestine marriage soon followed, the new son-in-law was forgiven, and all things moved on smoothly, until another daughter was marriageable." I laughed at the idea, still there may be more in it than meets the eye.

A PANTHER.

Many years ago, while our frontier counties were a wilderness, the settlers lived far apart. It had been whispered about in private cir-

cles, that some boys had seen a panther looking out of a hole in a big black-walnut tree. The story was doubted by many, still it was sufficiently alarming to induce settlers to prepare themselves with rifles and large packs of hounds. Among the settlers there was a man, for the sake of a name, I call Dodridge Alley, a neighborhood leader. He had often been elected captain of one side at log-rollings and corn-shuckings. Dodridge had one of the severest packs of hounds in the settlement, of which he often boasted, especially of old "*Ring*." The county in which Dodridge resided was entitled to a Representative in the State Legislature; a number of candidates brought themselves out, Dodridge among them. There were no caucuses, or conventions in that day, every one run upon his own hook, and mounted his own hobby. Dodridge believed strongly in love at first sight, and early marriages; he selected the idea of authorizing constables in their several townships to solemnize marriages, so as to tie the hymeneal knot, before the first love could have time to cool, while they were sending to town for the preacher. Dodridge had, no doubt, seen the first verse in "Love at first sight," but had not read the last.

"Oh there's naught in the wide world like love at first sight,
I've said it—I've sung it—and am I not right?
Oh yes, and I'll prove it. I happened to note
Last night on the river a beautiful boat.
A maid *sat* within it—how paint what I feel;
I saw her jet ringlets—I saw her *profile!*
I knelt on the bank—I was wild with delight:
Oh! there's naught in the wide world like love at first sight.

"This morning I sought her—I stated the case;
She *rose* to receive me—I saw her *full face!*
She looked all the love that *one* eye can express,—
She couldn't do *more*, and she didn't do *less;*
And, oh, when I called her, she limpingly came,
Just as if, little darling! she *hadn't been* lame!
Her ringlets were false, she was four feet in hight;
Oh there's naught in the wide world like love at first sight."

The contest was very close, but Dodridge triumphed, the session of the Legislature was approaching, a new suit of clothes would be needed, the yarn was spun, the cloth wove, and colored with butternut bark, a kind of yellowish brown. The neighboring tailor had cut and made the suit, coat, vest and pantaloons; they hung in folds upon him, but still he looked pretty well, and felt right comfortable, as the blood had free circulation. All things were ready for his departure for the capital; business required him to go to one of the upper

settlements. He dressed up in his fine new butter-nut suit for the first time, promising to be back to supper. Time passed on and no Dodridge. His lady became uneasy, the story of the panther came fresh in her mind, the clock struck ten, still no Dodridge. The dogs had not been seen for an hour before dark. Hark! the sound of hounds are heard in the distant forest. A panther, no doubt. Night wore away, the morning dawned, no Dodridge. The lady left the cabin, and directed her course through the woods by the distant baying. The spot is reached at last; there perched on a leaning tree, some fifty feet up, sat Dodridge in his butter-nut suit, the very image of a panther, old *Ring* tearing the bark from the root of the tree, the rest of the pack baying at the top of their lungs. A word from the well-known voice of their mistress was enough. Dodridge came down, old Ring took the lead for home, and away went the whole pack, leaving Dodridge and his rescuer to walk home together, deadly enemies to butter-nut bark, while there were panthers in the woods.

A HYMN IN THE LEGISLATURE.

Weeks afterward, Dodridge rises in the Legislature. "Mr. Speaker, I hold in my hand a bill to authorize constables to solemnize marriage; it is laid off into sections of four lines." A member I call Hugh Barnes, with a powerful sing-song voice, "I am opposed, Mr. Speaker, to that bill; marriage is a solemn thing, it ought never to be entered into without the greatest deliberation, and the maturest reflection. Why all this haste to tie the knot. Constables ought to have nothing to do with it, except when they get married themselves." As the speaker progressed, he became more and more animated; his voice rose to its highest tones, not unlike Old Hundred. As he closed, all eyes were upon Dodridge; the speech sounded very much like the funeral services of the bill, and Dodridge looked like chief mourner. Dodridge sprang to his feet as quick as thought: "Mr. Speaker, would it be in order now to sing a hymn?" The speaker hesitated, the House roared, the triumph of Dodridge was complete, the session closed, the bill was left for the next Legislature. Dodridge returned home, the hounds were disposed of, and there was never an ounce of butter-nut bark used for dyeing purposes in the family of Dodridge afterward.

WAS IT A FIGHT?

At a term of the Circuit Court, the case of the State *vs.* John Stump, a small, pock-marked Dutchman was called. A large, power-

ful Dutchman was the prosecuting witness. The indictment was for assault and battery. Henry C. Hammond, State's attorney, Benjamin S. Noble, for the prisoner. Case submitted to the associate judges, without a jury. The big Dutchman sworn. Mr. Hammond.—"State to the Court all you know about it." Witness.—"That little Dutchman and I were in the saloon. We bought a mug of beer together, and were drinking together. I drank first. The beer was so good, that I did'nt quit quite as soon as I ought. That little Dutchman said I had drank it all up. I told him he lied; he told me I lied. I spit in his face; he spit in my face. I slapped him in the face; he slapped me in the face. I kicked him; he kicked me. I tripped him up; he tripped me up. I struck him and knocked him down; he got up and knocked me down. I then got mad; he got mad, and we were just agoing to fight, when the saloon-keeper got between us. That is all." Mr. Hammond.—"This is a clear case of assault and battery; the defendant must be convicted." Benj. S. Noble.—"It is an affray, and the defendant can not be convicted until the prosecutor is before the Court." Associates.—"We think they are both guilty, and fine each a dollar and costs."

TRIALS OF DAVIS AND WOODS.

In the afternoon of the 4th day of July, in the year 1844, the citizens of Indianapolis were aroused by the cry of murder. John Tucker, a quiet, peaceable negro man, had been killed in the street, by William Ballenger, others being directly or indirectly concerned. Nicholas Woods had brought on the fight. One had hit him with a brick, and Ballenger killed him with a single-tree. I saw Tucker on the pavement a few minutes after, entirely dead. Ballenger made his escape. Nicholas Woods and Edward Davis were arrested and held for trial. The excitement in the city was very high. A public meeting was held by the citizens, and Judge James Morrison and myself were retained to assist Judge Abram A. Hammond, the regular prosecutor, on the trials. The prisoners and their friends employed Ex-Governor David Wallace, John H. Bradley, William Quarles, and Hugh O'Neal, distinguished advocates. Every possible preparation for the trials was made. The fall term, 1844, arrived, William J. Peaslee, the able judge of the circuit, presiding. Bills for murder were found against Ballenger, Woods, and Davis. Ballenger could not be arrested, and has ever since evaded the justice of the law. The trial of Davis came on first, and was prosecuted by the regular prosecutor, Judge Hammond, and Judge Morrison, his associate, for the State, with their usual ability; and defended in able speeches by the distinguished counsel for the prisoner.

It was clear, when the counsel for the defendant closed, that there was no ground, whatever, for the charge of murder to rest upon. It could be at most but a case of manslaughter, as there was no evidence of malice aforethought, and the killing was evidently under excitement and hot blood. Judge Morrison, in his closing argument, abandoned the charge of murder, and claimed a verdict for manslaughter only. The jury, however, took a different view of the case, under the able charge of the Court, and found a verdict of not guilty, generally. The defendant was acquitted, and has since resided in Indianapolis, sober, industrious, and respected by all who know him.

Nicholas Woods was next put upon his trial. Great preparations were made for his defense. The court-house was filled to suffocation. Many of his friends, male and female, occupied the seats near the witnesses. Judge Hammond opened the case, before the evidence was heard. The proof showed that the defendant had commenced the fight with the deceased, and continued it until the final blows were given by Ballenger, with the single-tree, and the deceased fell, a corpse. Judge Hammond opened the argument to the jury, in an

able speech of some two hours, plain and to the point, without any affectation of eloquence, as his manner and address always were. He was followed by Gov. Wallace, in an effective and eloquent speech. Mr. Quarles, in one of the ablest speeches of his life, followed Gov. Wallace, appealing with all his powers to the sympathy of the jury. As he closed I noticed a female friend of the prisoner in tears. Mr. Bradley followed, in a brilliant effort of over three hours, perhaps the ablest speech of his life. I closed the argument before the jury. Gov. Whitcomb was present during the whole trial, giving constant attention to the evidence and arguments, to enable him to decide for himself, as he told me, should a conviction be had, and an application for a pardon follow.

The jury retired, after the charge of the Court, and in less than an hour returned a verdict of guilty of manslaughter—three years at hard labor in the penitentiary. Motion for a new trial overruled, and judgment on the verdict. A petition, numerously signed, for a pardon followed, but the Governor had decided that the conviction was right, and refused to interfere.

TRIAL OF HIRAM GASTON.

The trial of Hiram Gaston, for the unfortunate killing of his apprentice, Lezar Luse, at the April term, 1849, of the Marion Circuit Court, before Judge Peaslee, created great excitement at the time. I saw the deceased a few minutes after he was killed. Hiram Gaston was a highly respectable coach-maker, working in his shop, on the lot where the Bates House now stands, at the time of the lamentable occurrence. The deceased was his apprentice, about twenty years of age, quite as stout as Mr. Gaston, and a highly esteemed member of his family. He was a good young man, and a strict member of the Baptist Church. Gaston and Luse, at the moment of the occurrence, were fitting a plate on a buggy. Luse appeared awkward, and Gaston took hold of one end of the iron, and asked Luse to let go, and he would fix the iron on the buggy. Luse refused, and Gaston pulled the iron, but Luse was too strong and drew Gaston forward across the anvil. Gaston reached back, with his eyes forward on Luse, and took from the block, upon which there were many light hammers and loose handles, a small hammer, by the handle, without seeing it, with no probable intent to do any great bodily harm, much less to take life, struck around, a side blow, that would have hit the body of Luse, below the shoulder, without injury, had he stood erect; but at the

very instant of time Luse stooped, and the small point of the hammer struck the vertebræ of the neck, near the head. Luse fell and expired instantly. Gaston caught him in his arms, had him conveyed to his house, sent for a surgeon, exhibited the deepest possible sorrow and agony over the body, voluntarily gave himself up, and was taken before Samuel Henderson, Mayor. I was sent for, and advised with Gaston before the Mayor. The excitement was intense, the office crowded, the street in front filled with people. I waived an examination, and offered bail. The Mayor fixed the bail at one thousand dollars. Gaston was left in custody till morning. That night the crowd was clamorous, the Mayor denounced, and Gaston threatened. I feared for the safety of his person. Next morning the Mayor's office was crowded early. Governor Wallace, the prosecutor, moved an increase of the bail, and supported it with a speech that was loudly applauded by the excited audience. I replied, and stated that the Mayor could fix the recognizance at his own figures, as Mr. Gaston would never leave the ground till he was tried by a jury of his country. The Mayor required bail in five thousand dollars for his appearance at Court. William Quarles was then employed with me in the defense. We thought it best for Mr. Gaston to decline to give bail, and go to jail until the storm blew over, although he could have given any amount of security. Gaston was confined some time, the excitement began to subside, and before court the people were able to speak of the transaction with their ordinary coolness.

The trial of Gaston for murder came on at the next term: David Wallace, assisted by Hiram Brown, prosecuted on behalf of the State, and William Quarles and myself appeared for the defendant. The evidence before the jury was substantially as I have stated the facts. The case was opened by Hiram Brown, in one of his strong, matter-of-fact speeches. I followed in a speech of three hours. Mr. Quarles closed the defense, in one of the best efforts of the life of that able advocate. Governor Wallace closed the prosecution with a speech worthy of his high character, and best Whitewater days. Judge Peaslee gave to the jury a clear and able charge. The jury retired but a short time, and returned a verdict, "not guilty." Mr. Gaston returned to his business, and has since resided in the city, with the good feelings and well wishes of even those who blamed him at the time.

TRIAL OF MARTIN L. COYNER.

Martin L. Coyner was tried at the Hendricks Circuit Court for killing James Crow. The indictment was for murder in the first

degree. Judge David S. Gooding appeared for the State, Christian C. Nave, Hugh O'Neal, and myself, for Mr. Coyner. The facts were few and simple, although fatally tragical. Mr. Coyner was the superintendent of a section of graduation, on the Terre Haute and Richmond Railroad, in Hendricks county, upon which there were a number of laborers; Crow, a large, powerful, overbearing, dissipated, quarrelsome Irishman, among them. Crow became incensed against Mr. Coyner, and had frequently threatened his life. Coyner had been informed of the threats, and prepared himself with a long, sharp knife, for defense. The morning of the rencounter Coyner saw Crow coming, and to avoid a personal difficulty went into the woods and hid in the bushes, until Crow left, and then returned to his men. Crow saw Coyner, and went to where he was standing, on the bank of a cut in the road, with his back to a rick of wood. Coyner held his knife down his side as Crow approached, and again and again warned him to go away. Crow still advanced with a knife in his hand, swearing he would have the life's blood of Coyner. At the moment Crow was about striking, Coyner struck him one blow with his knife, under the arm. Crow fell, crying "Hurrah boys, I'm kilt." He bled profusely, and expired in a few minutes.

The case was opened before the jury by Judge Gooding, in a brief speech for the State; Mr. O'Neal followed for the defense, in an able, conclusive argument, placing the case on the ground of self-defense; Col. Nave followed in one of his happiest efforts, maintaining the same ground; I closed for the defense in a speech of some two hours; Judge Gooding replied in one of the strongest speeches I ever heard him make. The Court charged clearly upon the law of self-defense. The jury returned a verdict of "not guilty," and Coyner was discharged, to the satisfaction of the entire community, and is now among the most industrious of our citizens.

A TIGHT FIT.

In early times there lived in Indiana a man by the name of George Boone, a descendant of the celebrated Daniel Boone, who should not be overlooked in these sketches, although I have not space to pay the same respect to many others whom I would be pleased to notice. George Boone would have stood well in those days when there were giants in the land. He was near seven feet high, with large bones and muscles; his hands were large, but his feet were beyond any thing of the kind I have ever seen in length, breadth and depth. I

can best give some idea of them by relating an incident that George used to relate with a gusto, after he became one of our State Senators. "I was about eighteen years of age, when, for the first time, I took it into my head to go a sparking. One of my neighbors, a few miles off, had a large, pretty daughter that, I thought, would just suit me. It was late in the fall, and the weather pretty cold; still it was too early to put on shoes. The Sunday evening had come; I dressed in my best butter-nut colored suit, made some six months before, but soon found that the pantaloons reached only just below my knees, and my coat stretched over me as tight as an eel-skin dried on a hoop-pole. I started barefoot, wading the creeks and muddy bottoms till I reached the house. They were about sitting down to supper, and invited me. Sally sat by my side. We had mush and milk, and plenty of it. The old lady handed me a large bowl. I thought politeness required me to meet her, at least half way, and stretched out my hand to take it; but I had made no calculation of the size of the table, the space between the milk pitcher and the bowl, nor of the width of my hand. I struck the big milk pitcher on one side, and out went the milk over the table. Sally jumped up, and went roaring with laughter into the other room. The old lady merely remarked: 'It will all rub off when it gets dry,' and the old gentleman said: 'There had greater accidents happened at sea.' But it was all over with me. I saw that all was lost. Not a word more was spoken. I saw nothing more of Sally. The clock struck ten. 'Mr. Boone, wont you wash your feet and go to bed?' said the old lady. 'Yes ma'am.' 'Here is an iron pot—all I have suitable.' I took the pot and found it so small that I could only get my feet into it by sliding them in sideways; but I got them in, and soon found them swelling tighter and tighter, until the pain was so great that the sweat rolled off my chin. The clock struck eleven. 'Mr. Boone, are you not done washing your feet?' said the old lady. 'What did this pot cost? I must break the infernal thing.' 'A dollar.' 'Bring me the ax.' 'Here it is.' I took the ax, broke the pot to pieces, handed the old lady the dollar, opened the door, and never saw her afterward. I met Sally at a husking several years afterward, and as we met she roared out laughing."

A FIGHT IN THE SENATE.

But the end of George was not yet. He grew up to be a man and a colonel, and, like Saul of old, was chosen to lead the people. He became a State Senator and an able debater. His figure was so tall and commanding, his voice so strong, loud and clear, his manner so

plain and unassuming, his coolness and known courage such, that he was both respected and dreaded as an opponent. While he was in the Senate a warmly contested question came up for debate, Ratcliff Boone, Lieutenant Governor, in the chair. The Colonel was the leader of one side of the question, and a Senator, about four feet ten, limbs in proportion, with a voice like a "katydid," lead the other side. The chamber was crowded. The Colonel rose with his eye upon the Chair, and was speaking at the top of his voice. "That's a lie," squeaked out the little opposition Senator. "As I was saying, Mr. President—" "That's a lie." "As I was saying—" "That's a lie," in the same squeaking voice." "As I was saying—" The little Senator could stand it no longer; sprang over the railing, ran round to where the Colonel was standing, and struck him with all his might on the back. "As I was saying Mr. President—;" the blows repeated several times, while the Colonel, without taking the least notice of it, continued to address the Senate until he closed his speech; then turning his eye upon his opponent, "What are you doing?" "What am I doing; I'm fighting." "*Who* are you fighting?" "I'm fighting *you*." "Me! I had no knowledge of it whatever." The sergeant-at-arms stepped up and carried the little Senator away in a state of exhaustion. A glass of wine and the friendly hand of the Colonel soon put all things to rights, and the debate proceeded.

A SLAVE CASE—"DRED SCOTT" DECISION ANTICIPATED.

In the summer of the year 1822, a gentleman from Georgia called on me, late one night, to get my aid in securing a fugitive from labor by the name of William Trail. He was a light mulatto, had left his master with leave to go where he pleased, paying the one-half he could earn annually for the privilege of working from home and traveling. He had always paid up, but had come to a free State, and his master now wished to reclaim him. Trail was considered in the neighborhood a quiet, inoffensive, industrious man. He was arrested, and a writ of habeas corpus sued out, returnable next day. The excitement was very great through the night, and in the morning I learned that my client had taken the alarm and left, forgetting to pay my fee. Trail was discharged, and afterward married a colored woman and settled east of Connersville, joined the Baptist church, bought and paid for a small piece of land, and was raising and educating his children—when about midnight the large barn of James Smith, the preacher at the church to which Trail belonged, was seen in full blaze, and soon burned down. Smith openly charged Trail

with the arson, but there was no evidence whatever of his guilt, and very few believed the charge.

Trail employed me to bring suit against Smith for slander. The suit was brought, and came on to be tried before the Fayette Circuit Court, Judge Eggleston presiding. Gen. Noble and Daniel J. Caswell appeared for the defendant. The trial lasted three days, and was one of unusual excitement. I was threatened, and indeed, I lost a good many votes for the Legislature, for which I was then a candidate, on account of my employment. The able counsel for defendant, without denying the speaking of the words, or attempting a justification, took the ground that my client could not sustain the action; that he was a slave, and that by the laws of Georgia no slave can sue; that he could not be a citizen of Indiana and at the same time a slave of Georgia; that he brought with him to Indiana the laws of Georgia, by which he was a slave; that the color of his skin would be *prima facie* proof of his being a slave, if he were in Georgia, and as he brought the constitution and laws of Georgia with him, the same consequences followed here. In brief, the arguments at that early day of these able men, in the defense, assumed all the grounds of the recent decision of the majority of the Supreme Court of the United States in the Dred Scott case, except that of the jurisdiction of the Federal Courts. I replied for the plaintiff, that slavery was a local institution, confined to the States whose constitutions and laws upheld it; that this was not a contract where the *lex loci contractus* would govern, and where the laws became a part of the contract; that the laws of Georgia could not operate beyond the limits and jurisdiction of the State; that the state and condition of Trail, as a slave, ceased whenever he passed the line of the slave States, except for the single purpose of reclamation under the Constitution of the United States; that the general pass, without restriction as to time or place, was obligatory on the master; and the day that Trail set his foot on the free territory of Indiana, he was a free man; that no State in the Union, and especially no State admitted before 1816—the date of the admission of Indiana—could interfere with or deny the provisions of our State Constitution, "that there shall be neither slavery nor involuntary servitude within this State, otherwise than for the punishment of crimes whereof the party shall have been duly convicted;" that our constitution containing that provision, was ratified by the people and submitted to the other States in Congress assembled, upon an application on our part to join the Union, was unanimously accepted, and we became one of the United States upon the same footing as the original States; the compact became complete, and from thenceforth, neither

the United States, nor any one State, nor any human power, except the people of the State by convention or resolution, could say that slavery or involuntary servitude could legally exist a single day in the State of Indiana, had the Constitution of the United States been silent; and under that instrument only where the slave had escaped, without the assent of his master, into our State, can the relation exist for a moment, and then for the purpose of reclamation and no other; that neither the United States in their united or several departments, executive, representative, or judicial have any control over the question, any more than they have to say that slavery shall not exist in States admitted into the Union, with constitutions authorizing it.

I retained no copy of the able opinion of Judge Eggleston, in which he covered the whole ground, and I was gratified to hear him sustain each of my positions, and especially as he was a Virginian, and an able expounder of the Constitution and laws of the country. The jury found a verdict for twenty-five dollars for the plaintiff. Judgment according.

INAUGURATION OF VAN BUREN.

About the middle of February, 1837, I left Connersville for Washington City, to attend the Executive Session of the incoming Administration, upon the summons of President Jackson. The Ohio river was frozen over at Cincinnati, and the traveled route was by land through Ohio. At Wheeling, we found the ice broken up between Zane's Island and the city of Wheeling, and were detained two days before we could cross. The eve of the second of March, we arrived at Washington City, found the hotels and private boarding-houses all full, and were compelled to go to Georgetown, where we obtained accommodations. The City of Washington was crowded from all parts of the United States. Martin Van Buren was to be inaugurated on the fourth, as the successor of Gen. Jackson. The fourth of March, twelve o'clock, came. The Senate met. Richard M. Johnson, Vice President, took the Chair. The new Senators were qualified, and the body stood organized, every Senator in his seat, when the side doors of the Senate chamber were thrown open by the sergeant-at-arms, and I saw approaching down the wide aisle of the Senate chamber, the stately form of Gen. Jackson, and the smaller figure of Martin Van Buren, the outgoing and incoming Presidents arm-in-arm. Gen. Jackson looked much older than when I saw him inaugurated, eight years before, on the eastern portico of the Capitol before thousands. His hight was full six feet, his person spare, rather stooping, his eyes sunken, covered by glasses, his hair as white as snow, thrown back in front, as he always wore it; his cheeks furrowed, his brow marked with care, his step faltering with age. As he took his seat, he placed his hands on his knees to steady himself down where he sat, until the procession retired from the chamber. Mr. Van Buren presented a great contrast to the old hero. He was a small man, some five feet six inches in hight, light complexion, sandy hair and whiskers, mixed with white, eyes gray, head bald to the ears. He stepped with all the elasticity of youth to the chair, and seated himself by the side of Gen. Jackson with the ease and grace of a miss of sixteen.

The representatives of foreign nations followed in the procession, and as they entered the main door in single file, and passed down the main aisle, they defiled to the right of the seat of the president of the Senate, and took the seats prepared for them in a row in the order of the admitted grade of the nation they represented; Mr. Fox, the British Minister, at the head, then followed the French, Spanish, Russian, Prussian, Austrian and down to the representatives of the little powers accredited by our Government. The fact struck me forcibly

as these distinguished foreigners sat before me, that the grade of the government they represented, might be easily distinguished by the dress of their Minister. The highest, the British Minister, was dressed in plain black cloth, with nothing to distinguish him from any other gentleman. The French Minister wore a blue frock coat, with only a golden star on the collar. As the grade fell the splendor of the dress increased, until the smaller powers were reached,—their representatives were covered with gold lace from head to foot, splendid side-arms and the most gaudy apparel; their attaches by their sides in similar court dresses. It reminded me of the character of the men who govern the world. It is not those of the most outside show, but the men of common sense and plain dress, who look upon the external covering of the man as the least part of him, and not as the Indian, who values his horse by the splendid saddle and trappings with which he is covered. I may be pointed to William Pinckney as an exception to this remark; if so, upon the general rule I suggest the names of Dr. Franklin, George Washington, John Adams, Thomas Jefferson, James Madison, James Monroe, John Q. Adams, Andrew Jackson and a host of other American statesmen.

After being seated for a few minutes, Gen. Jackson and Mr. Van Buren rose and proceeded to the east portico of the Capitol, followed by the foreign Ministers, the Judges of the Supreme Court, the Vice President of the United States, the Senators and Representatives, and were seated. Mr. Van Buren then arose, stepped between the two large columns, and proceeded at once in a low tone of voice to read his inaugural address. He closed, when Chief Justice Marshall administered the oath to support the Constitution of the United States, and the oath of office, before the immense crowd that filled the steps and grounds east. The President and Gen. Jackson left for the Executive mansion in an open barouche; the Senators returned to their chamber, the judges to their room, and the crowd dispersed. Such a body of men as composed the Senate at that time, I have no hesitation in saying, were never associated together before. Such was my opinion of them when I took my seat in the body, and a close and intimate acquaintance with them afterward, only tended to increase my admiration. The strong men of the nation were there. I name, Henry Hubbard, Franklin Pierce, Daniel Webster, John Davis, Samuel Prentiss, Benjamin Swift, Nehemiah Knight, Asher Robbins, John M. Niles, Perry Smith, Silas Wright, Nathaniel P. Tallmadge, Garret D. Wall, Samuel L. Southard, Richard H. Bayard, Thomas Clayton, James Buchanan, Samuel McKean, Joseph Kent, John S. Spence, William C. Rives, William H. Roan, Robert Strange, Bedford Brown,

John C. Calhoun, William C. Preston, John P. King, Albert Cuthert, William R. King, Clement C. Clay, Robert J. Walker, John Black, Alexander Mouton, Robert C. Nicholas, Hugh Lawson White, Felix Grundy, Henry Clay, John J. Crittenden, William S. Fulton, Ambrose H. Sevier, Lucius Lyon, John Norval, Thomas H. Benton, Lewis F. Linn, William Allen, Thomas Morris, Richard M. Young, John M. Robinson, John Tipton, Ruel Williams, Benjamin Ruggles.

Of these great men two were Presidents of the United States, two Vice Presidents, fourteen Governors of States, nine Cabinet officers, five first-class foreign Ministers. Twenty years have passed away, and how have the mighty fallen! Of the fifty-two Senators that formed the body, thirty-five are no more with us; and of the other seventeen there is not one, save John J. Crittenden, at this time a member of the body.

Mr. Van Buren nominated for the new Cabinet, John Forsyth, of Georgia, Secretary of State; Levi Woodbury, of New Hampshire, Secretary of the Treasury; Joel R. Poinsett, of South Carolina, Secretary of War; Mahlon Dickerson, of New Jersey, Secretary of the Navy; Amos Kendall, of Kentucky, Post Master General. The Senate went into executive session, the first I had ever been in, with closed doors. The nominations were taken up and all confirmed, with my vote in the affirmative. The rule I adopted for my action, and by which I was governed on executive nominations, was to take the nomination as *prima facie* correct, and not to vote against it unless I was satisfied the public interest required a rejection, which was not the case in these Cabinet appointments. There was little business before the Senate, and we adjourned in a few days, with the understanding, however, that the President would call an extra session of Congress, to replenish the Treasury, by a loan of money direct, or the issue of Treasury notes. Our State was represented in the House that year, by Ratcliff Boone, John Ewing, William Graham, George H. Dunn, James Rariden, William Herrod and Albert S. White.

Col. Richard M. Johnson, then Vice President of the United States, was about the common size, heavy set, large head, with sandy hair standing out in every direction. He was one of the most companionable, hospitable men in Kentucky, and one of the bravest of the brave. Still it was said that he had not sufficient moral courage to protect him from suits for security debts or indorsements for others. As presiding officer of the Senate, the Colonel was much respected. He was liberal and courteous to a fault. Still he was firm when necessary. I became much attached to the Colonel, and on one occasion we were returning home together in the stage. The snow was deep on the mountains;

it had commenced raining and freezing. About daylight the driver stopped on the top of Laurel Hill, above Uniontown, and informed us that he was afraid to drive down the hill, that it was all ice, that the water had frozen, inclining to the precipice on the lower side of the road. The passengers all got out but the Colonel and myself. We concluded to risk it, the Colonel turning to me, "If we go over be careful not to fall on me." "You are on the upper side, I am in the most danger." "The stage may roll over." Putting his head out of the window, "Driver, keep the horses out of the way of the stage." Away we went at full speed, the stage at times sliding to the edge of the precipice below, and seeming to hang on the tree-tops. We reached the bottom in safety, and were at breakfast at Uniontown, when the foot-passengers came down.

JUDGE BIGGER AND GENERAL HOWARD.

THE summer of 1840 had come. General Harrison and Mr. Van Buren had been nominated for President by their respective parties; the notes of preparation for the great party struggle were heard over the nation. Indiana was among the first of the States to put on the political armor. In August, preceding the Presidential election, a Governor was to be elected. Both parties believed that the Presidential election would be affected by the result of the State election, and both resolved to put forth their whole strength. The conventions to nominate the candidates were held at Indianapolis. The delegates came up from all parts of the State, full of spirits, and full of confidence. To the lasting credit of both parties, each resolved to select their best man as their leader, as it ever should be. The Whig party unanimously selected Judge Samuel Bigger, then on the circuit bench, one of the purest and best men in the State. He had been for years my law partner, and I well knew his great worth. He was most acceptable to the people, and would of course receive the entire vote of his party. He was over six feet high, well proportioned, fine face, blue eyes, prominent forehead, a very commanding appearance, a fair stump-speaker plain and candid in his statements, leaving a lasting impression upon his audience, always closing with an eulogy on the life and character of General Harrison.

The Democratic party, with equal unanimity, selected Gen. T. A. Howard as their candidate. Gen. Howard was in Congress at the time. I saw him a few minutes after he received the news of his nomination, and have reason to know that it was cast upon him, and not sought by him. I had known him long and intimately. Though not a member when I was elected to the Senate, he was my warm friend, and I was his. We so continued till he died our *Charge d' Affaires* in Texas, and I had the melancholy duty assigned me by the courts and bar at Indianapolis of *preparing* for the records of the courts, and the use of his family, a brief address upon his life and character, on the return of his remains from Texas. Gen. Howard, like Judge Bigger, was large and commanding in appearance. His hair and eyes black, his forehead remarkably high, his features large and prominent, his complexion dark, his manners good, his mind of the first order, his private life pure and unsullied. As a public speaker he stood high; in a word, I thought him then the first man of his party in the State. He was so considered at Washington. His friends there reluctantly saw him leave the House to enter upon the Gubernatorial contest. Still, they seemed sanguine of his success.

Gen. Butler, of Kentucky, proposed to *guess* a thousand dollars with me on the result, and Mr. Van Buren told me at his table that Judge Wick and Gen. Carr had informed him that there was no doubt of the election of Gen. Howard,—looking in my face, "What do you say?" "I say, if Gen. Howard carries Indiana over Judge Bigger, you will beat Gen. Harrison in the State." The conversation dropped.

The candidates were a noble pair of men, more alike in age, size, appearance, talents, learning, high moral and religious worth—the one a member of the Old School Presbyterian Church, and the other of the New—than any two competitors that ever contested an election in the State. It was an open, honorable contest, and both of the candidates came out of it with fresh laurels on their brows. The popularity of General Harrison was irresistible, and Judge Bigger was elected by a heavy majority, which was largely increased in favor of Gen. Harrison over Mr. Van Buren in the fall. This was the greatest and most exciting political contest I ever witnessed in the State. At that time I was chairman of the Whig Central Committee —made the appointments for the meetings over the State, appointed the speakers, attended many of the meetings, and spoke continually by day and by night. Our best speakers were filled with enthusiasm and untiring zeal. We had on our side such men as Joseph G. Marshall, George G. Dunn, Albert S. White, William Herod, William Grahm, Caleb B. Smith, Richard W. Thompson, Henry S. Lane, Othniel L. Clark, John Beard, Newton Claypool, Samuel C. Sample, Jonathan A. Liston, John D. DeFrees, Douglass Maguire, Edward McGaughey, Thos. J. Evans, Hugh O'Neil, Martin M. Ray, Schuyler Colfax, Thomas D. Walpole, William Mc K. Dunn, Daniel D. Pratt, Henry Walker, John Vawter, Milton Stapp, John Dumont, Stephen C. Stevens, Jeremiah Sullivan, Joseph C. Eggleston, Wm. S. Coffin, William T. Otto, William G. Ewing, David Kilgore, David P. Holloway, Samuel W. Parker, Henry P. Thornton, James Collins, James Rariden, James H. Cravens, Joseph L. White, Jonathan McCarty, John Ewing, George H. Dunn, John Pitcher, Samuel Judah, James Perry, John Yaryan, Lewis Burk, P. A. Hackleman, Abner T. Ellis, Randall Crawford, Thomas H. Blake, Elisha M. Huntington, Thomas Dowling, Judge DeBruler, Charles Dewey, John W. Payne, Conrod Baker, and others of the same character. Our opponents could name an equally strong set of speakers—Edward A. Hannegan, James Whitcomb, Merinius Willett, Findley Bigger, James Lockhart, Amos Lane, Thomas Smith, Gen. John Tipton, Thomas L. Smith, Robert Dale Owen, John Law, Joseph A. Wright, John G. Davis, Paris C. Dunning, Willis A. Gorman, Delana R. Eckles, Alvin P. Hovey, An-

drew Kennedy, Marks Crume, William Watt, Jeremiah Smith, Henry Secrest, John Spencer, Elisha Long, William Rockhill, Nathaniel West, Nathan B. Palmer, Gen. Drake, John Carr, William W. Wick, William J. Brown, Henry Brady, James Brown Ray, Joseph Holman, Samuel E. Perkins, Ross Smiley, Wilson Thompson, and others. The campaign closed with a grand torch-light procession at Indianapolis: the first of the kind I had ever seen in the State. The parties vied with each other in the brilliancy of their transparencies, the bands playing beautifully, the whole heavens lighted up with rockets and the streets filled with bonfires. Gov. Whitcomb occupied the stand on the north side of Washington street, and I addressed the crowd on the south side; but the sounds of music, singing, explosions of rockets, and huzzas of the multitude rose above our voices. We left our stands and became silent spectators of the scene till near midnight. Thus ended the memorable contest of 1840, by the election of Judge Bigger, Governor, and Gen. Harrison, President, both by overwhelming majorities.

GOVERNOR WHITCOMB.

Gov. Bigger served but one term, and was succeeded by James Whitcomb, by a close vote. I had known Gov. Whitcomb for years. We had practiced together on the circuit in many important and hard contested cases, sometimes as associates, and at others on different sides. We were friends while he lived. Gov. Whitcomb was about medium size, dark complexion, black hair and eyes, good features, wide mouth, eyes prominent, his hair nicely combed slick on his head, and well perfumed. He was a fine scholar, had a mind of a high order, well matured and disciplined. He was cool, self-possessed in debate, and on the stump; rather hard to find out, except by his particular friends. He was a strong, shrewd party leader. As was said of Martin Van Buren, "he preferred going fifty miles to see a man on political matters, to writing him a letter on the subject." Gov. Whitcomb made a fair Executive, and was "rotated" by his party from the Governor of the State to the Senate of the United States, where he remained but a few years, until he fell a victim to a chronic disease, and died in the meridian of life. He was succeeded in the Executive chair by Joseph A. Wright, over John A. Matson. Here, again, were worthy competitors in the field.

GOVERNOR WRIGHT AND JOHN A. MATSON.

I HAD long intimately known both the candidates. Mr. Matson was a law student of mine. I had with great pleasure seen him rise in his profession, and the esteem of the people, until he was chosen the standard-bearer of his party. The candidates both belonged to the Methodist connection; they were both good stump-speakers, ardent, and untiring, canvassing every part of the State. Governor Wright succeeded by a decided vote, and served the first term to the general satisfaction of the people.

GOVERNOR WRIGHT AND NICHOLAS M'CARTY.

GOV. WRIGHT was nominated for re-election by his party, and was opposed by Nicholas M'Carty, the nominee of the Whig party. Here, again, the parties had put forth their best men. I had long been acquainted with Nicholas M'Carty. He was among the best men in the State, and strictly honest. His talents were not of the brilliant, but of the useful kind. He was eminently practical, plain in his manners, social, frank and open in his intercourse. He was below the common hight, heavy set, with nothing very prepossessing in his general appearance. As a speaker he was plain, deliberate, and distinct, made no pretense of eloquence, but always spoke sensibly. Mr. McCarty has years since been gathered to his fathers, and lies in the family tomb in the Indianapolis cemetery. Governor Wright served his second term as Governor of the State, to the public approval, and soon after his office expired, was appointed by Mr. Buchanan our Minister to Prussia, and is, at this writing, upon his ocean voyage, crossing the Atlantic. In person Governor Wright is tall and commanding, with a large head, remarkably high forehead, hair light-colored and thin on his head, large blue eyes, wide mouth, long nose, good features; his mind is clear, vigorous and impulsive. As a stump-speaker, he has had few, if any superiors in the State. His voice is strong and clear, when not too much used; but like the most of our public speakers, he forgets his voice, and even himself, in his subject and his audience. Governor Wright is one of the most untiring, persevering electioneerers the State ever had in it. I heard him the last night before the election of Governor Willard, on the steps of the Wright House. He was completely worn down, his voice gone, and his strength exhausted. He will now have leisure to recruit his strength, rest his voice, and improve his mind in foreign lands, as the representative of his Government.

SENATORIAL ELECTION IN 1842.

I HAD served the State as United States Senator. My term was about to expire. The next winter the election of my successor was to take place. The members of the Legislature were elected with direct reference to the Senatorial contest. The two great parties of the State had been very active. Each had its candidate for Senator indirectly before the people. The Whig party, to which I belonged, were united on my re-election. The Democratic party were equally united upon Gen. T. A. Howard, as its candidate. In fact no other candidate was thought of by either party. As was the custom, in some counties the people ran candidates pledged to support the choice of their constituents for Senator, although differing in political sentiments. This was the case in the county of Wayne, one of the old Whig counties of the State, giving at that time some two thousand majority for the Whig Legislative candidates. A Senator was to be elected from that county. David Hoover, an old and highly respectable citizen—a known Democrat—became a candidate, and, to secure his election, pledged himself to the Whigs of the county to support me in good faith for United States Senator; and such was the confidence of the Whig party in his solemn pledges, that they elected him by a large majority. The county of Switzerland, another Whig county, elected Daniel Kelso, a upposed substantial Whig, as he openly avowed himself to be.

The returns were all in and the figures footed up—Whigs, counting Hoover's pledged vote, and Kelso, 76; Democrats, 74; insuring my election on the first ballot. It was, however, so close, and my sense of propriety not permitting me to leave my seat, and be present at the election, that I had doubts as to the result, as I wrote to Mr. Clay.

It was the custom at that time for the candidates to ride around and see the members of the Legislature at their homes. I availed myself of the privilege, and visited Mr. Hoover, at his residence north of Richmond. He received me kindly. I took dinner with him. He assured me, again and again, in the most positive and unequivocal terms, that he would not only vote for me all the time, but would, in good faith, carry out the will of his constituents, and his pledges before he was elected, by doing all in his power to secure my election. I left him with entire confidence, but at Richmond met with the other Senator, Lewis Burk, and was told by him that Hoover was not to be relied upon. I kept this to myself; I felt like Mr. Clay did, when he first became suspicious that Tyler would deceive the Whig party: "I can not believe that any man can be so deceptive."

A few days before I left for Washington, to attend to my Senatorial

duties, I met Gen. Howard at Indianapolis, when the election of Senator came up in conversation. The General, like myself, was far from sanguine of the result. He said he knew well that one of us ought to be elected, if the will of our parties was to be carried out; "But," said the General, with his eyes fixed upon mine, "the vote will be so close, that a man or two may be found, who, like Judas, would sell his party for a few pieces of silver. There is nothing certain."

After the election was over, and we had both been defeated by the base treachery of Hoover and Kelso, the General reminded me of what he had told me. I arrived at Washington, took my seat on the first day of the session, and was never absent a day until Congress adjourned. The election came on; both parties sanguine as to the result, as I learned from my friends, who apprised me every day of the prospect of affairs. Both Kelso and Hoover had given the most positive assurances of their fidelity to the party, and to myself as the Whig candidate—and even to the very last their treachery was not suspected. The joint convention met. The first vote showed the state of affairs. Gen. Howard received 74 votes—precisely what he should have received. I received 72 votes—four less than the party vote, with Hoover's added. Edward A. Hannegan received three votes, and Joseph G. Marshall received one vote. Kelso voted for Hannegan, and Hoover voted for me, knowing that his vote would not elect me, as Kelso did not vote for me, the next was his last vote for me. Gen. Howard received 74 votes; I received 75 votes. Hannegan received Kelso's vote; had Kelso voted for me I would have been elected. Hoover voted for me, knowing that Kelso would not, and that I could not be elected without the vote of Kelso. This was the last time Hoover voted for me, and Kelso never voted for me at any time. The third vote Gen. Howard received 73 votes; I received 73 votes; and Mr. Hannegan received the votes of Kelso and two democrats. The fourth vote Gen. Howard received 73 votes; I received 73 votes; Mr. Hannegan received two votes; and Hoover voted for Gov. Hendricks. The fifth vote Gen. Howard received 73 votes; I received 70 votes, and Mr. Hannegan received two votes, Hoover and Kelso voting against me, and voting for Mr. Hannegan.

The Convention adjourned, and then it was that both Gen. Howard and myself were sacrificed to a temporary party triumph, procured by the treachery of David Hoover, of Wayne, and Daniel Kelso, of Switzerland. The vote in the afternoon was taken: Gen. Howard received one vote; Edward A. Hannegan received 76 votes, and was elected, both Kelso and Hoover voting for him; I received 69 votes; and there were four scattering votes. Gen. Howard was sacrificed by his party,

while my party stood by me, for which I shall ever thank them. While Gen. Howard was sacrificed by his party, I was defeated by the treachery of Hoover and Kelso. I do not know who cast the one vote for Gen. Howard; he ought to be known. I would rather be that man than any other man who voted against me.

I was lying in my bed at Washington, late at night, when I received the news from the post-office that I had been defeated by the treason of Hoover and Kelso. The next day the Committee on the Public Lands, of which I was chairman, met. I had a number of bills prepared that met the approval of the committee. As I rose from my seat in the Senate to report my bills, I noticed Mr. Benton, Mr. Walker, Mr. King, and Mr. Buchanan, on the opposite side of the chamber, looking toward my seat. After I had made my report, Col. King came over to my seat, and asked me if it was true, that I had been defeated. I told him it was. "That was what we were talking about, as you saw us looking at you; we could not believe it. You are the first man that I ever saw that went on with his business in the Senate, immediately after the news of his defeat, just as if nothing had happened." "I feel that I am worth as much to myself as I am to my State; if the State desired the severance of the connection, it is not for me to complain. My only regret is, that the result had not been by the free choice of a majority of the people of the State. However, I bespeak for my successor the kind offices of you all."

I know that Gen. Howard never got over the mortification of his defeat by his own party. For myself, I have lived and prospered in private life, and am now writing these sketches, at the age of sixty-two, in fine health, without glasses. Kelso and Hoover have lived to feel as comfortable in the presence of those who once respected them, as Gen. Arnold did when introduced, in England, to the friends of Maj. Andre.

THE RACE TRACK.

The treaty between the United States and Great Britain was in progress. Mr. Webster, Secretary of State, and Lord Ashburton, were busily engaged in arranging its provisions. I was sitting in my seat in the Senate Chamber, about twelve o'clock one day, when Gov. Fulton asked me if I would not go out to the race-track with him and Franklin Pierce, to see the great race between Boston, Cippus, and Prince George. He said the Senators were all going. I accepted the invitation, and we started down the Avenue for the race-ground—Gov. Fulton Gen. Pierce and myself in one hack, Col. King, Mr. Mangum and Col. Sevier in another, and other Senators in other hacks. About two miles north of the city we passed up a rising ground to a hill that overlooks the far-stretching Potomac, the cities of Washington, Georgetown and Alexandria, with the surrounding country on the south. Just at the foot of the hill in full view on the north lay the Washington race-course, inclosed with a high board fence. On one side was the judges stand, near which was the covered stand for ladies, and others, giving a full view of the horses on every part of the course. The course was a mile in length, and the heats of four miles by their rules were run four times round, with a rest of thirty minutes between each heat, and requiring one horse to win two heats to take the stakes. Carriages entered the front gate and had the privilege of the whole ground, inside the track. We drove in, and took our stand on the high ground, near the center of the circle. There were some fifty carriages, and as many on horseback, but very few on foot. Throwing my eye on the back-ground, I saw two large, heavy-set men walking quietly along, apparently in deep and close conversation. I kept my eye upon them; as they approached our carriage Mr. Webster, in his blue coat and bright metal buttons said, "Gentlemen, let me make you acquainted with Lord Ashburton." We had a few minutes pleasant conversation, when they passed on to the carriage of Messrs. King, Mangum and Sevier. Our attention was immediately called to the opening of the gate from the stables to the track, and the entry of the horses. The driver was directed to move forward, to give us a better view of the animals that were to contend for the prize. "Boston" I had heard of, but the others were strangers to us, if not to the *Spirit of the Times*. The horse "Cippus," from the New Orleans course, was a long, slick black, a beautiful animal. He looked to me as if he could fly, almost like a bird. We learned that his owner and backers were confident in his speed and endurance. He passed on led by his groom. Then came "Prince George," the pride of

Maryland, a beautiful blood bay, with black legs, mane and tail, led by his groom. Col. King remarked as he passed by, "There is a horse that has the running points; he will win." I said nothing, for I knew nothing about the "running points," and as the Colonel lived in a racing country I supposed he knew all about it, of course. "Prince George" passed on, and then came "Boston," the great racer, Boston that was never beaten, until he was nine years old, and then by *Fashion* a five year old of his own blood, over her own Union Course, he carrying weight for age. Boston was a light chestnut sorrel, about fifteen hands high, bald face, white feet, long body and neck, light mane, ribs plainly visible, strong bone, deep chest, protruding eyes, large open nostrils, elastic pasterns, strong hoofs, firm limbs, long switch tail brushing the ground. He was ridden by the celebrated jockey, Gill Patrick, who afterward rode him when he ran the great race against Fashion, and who recently rode Prioress, on the Goodwood course, in England. The horses had passed to the stand; the jockies and saddles weighed; riders up; the drum tapped, and off they went. Cippus took the lead, closely pressed by Prince George, Boston far behind. Around they went at a flying pace; they passed the stand, Cippus ahead, Prince George lapping him, Boston thirty feet behind. Away they went on the second mile, the pace increasing. They passed the stand again, Cippus still ahead, Prince George pressing closely, Boston, under a hard pull, thirty feet behind. Around they go on the third mile, maintaining their positions till they pass the stand and enter upon the fourth mile. Prince George passed Cippus, a shout rent the air from the Marylanders. Poor Cippus! It was all over with him. His rider reined him off the track. The contest for the last mile was then even-handed between Boston and Prince George—Virginia and Maryland. As they passed our carriage, Col. William R. Johnson, the Napoleon of the turf, galloped up, his white locks floating over his shoulders. "Gentlemen look at Boston, as he comes down the last quarter. I told Gill to let him run. He is the best four-mile horse on earth." They pass the last quarter-post head and head—Prince George goaded to the top of his speed. Gill Patrick gave Boston the rein; he seemed to lie along the track, as he stretched himself, in imitation of an old red fox crossing the valley from mountain to mountain, before the pack. His speed increased; he seemed almost to fly; he passed the winning-stand some thirty feet ahead. Prince George was withdrawn. Boston walked over the track alone for the next heat. The race over, Mr. Webster and Lord Ashburton entered their carriage, and we all drove back to the city, after my first and last day on the race-track.

THE ASHBURTON TREATY.

Soon after in executive session, the treaty between the United States and Great Britain, known as the Ashburton treaty, came up for ratification. The pressing objects of the treaty were to establish the boundary line between the United States and Great Britain, known as the North-Eastern boundary, which had not been previously ascertained, and also to provide for the reciprocal surrender of fugitives from justice escaping across the line. The treaty fixed the boundary upon the parallel of 49 deg. to the end of the established line east of the Rocky Mountains. The line was extended by a subsequent treaty on the same parallel of latitude to the Pacific ocean. The questions arising upon the treaty in the Senate were debated at great length, and with signal ability by the distinguished Senators who took part in the discussion. Mr. Clay led off in favor of the ratification in an able speech. Mr. Allen of Ohio, replied, directing his objection to the boundary not being far enough north to include our claim to territory. Some Southern Senators thought that the treaty should contain a clause providing for the surrender by Great Britain of fugitives from *labor* as well as from *justice*. The debate continued for weeks in executive session, with closed doors, with great power and unsurpassed eloquence. The whole line of our foreign policy and extensive relations with the civilized world, and especially with Great Britain, including the Impressment question, the Caroline case, the Creole slave case, the Mc Loud case, the extended boundary question west of the Rocky Mountains, were discussed at great length. Mr. Benton opposed the treaty on many grounds, in able speeches, as will be seen by reference to his "Thirty Years." The debate had seemingly closed, the final question was put by the Chair, when Mr. Calhoun rose and addressed the Senate in one of the most powerful speeches he ever delivered on that floor. He maintained every clause of the treaty, passed a high eulogy upon Lord Ashburton, and did Mr. Webster full justice. The vote was taken, and the treaty ratified. With Mr. Benton, I thought there were several matters that might have been included in the treaty, but as it contained much that was essential to the peace and good understanding of both nations, I did not hesitate in voting for it.

GEO. H. PROFFITT.

It seems to be desirable to some of my friends that my sketches should visit Southern, Western and Northern Indiana. I very much wish to gratify the desire, and may yet look over those fields for subjects of sufficient importance to interest the general reader. I am sure I can find many such. This sketch I direct to the South.

In the great campaign of 1840, which resulted in the triumph of General Harrison, there were few speakers of greater prominence than George H. Proffitt, of Petersburgh, Pike county. He was in person below the medium size, short, slim, and spare, a good mouth, head small, high forehead, cheeks bony, dark eyes, light brown hair. He was quick and ready, his voice remarkably loud and clear, possessed a fluent elocution, and a fertile imagination. The great power of Mr. Proffitt was on the stump before the people. I first became acquainted with him at Washington City, while he was in the House of Representatives. He very soon made his mark in the House, and rose to a highly respectable position as a ready debater. As a popular speaker, in addressing the masses, few stood higher in the East. One evening, after dark, I was passing down the avenue from Capitol Hill, at Washington, when I noticed a large gathering up at the City Hall. I walked up, and found it to be a political Harrison meeting. Many transparencies were exhibited. General Walter Jones, the president, was seated on the platform, surrounded by his vice presidents. Just as I reached the skirts of the crowd, Gen. Jones rose, and at the top of his voice, "Is the Honorable George H. Proffitt, of Indiana, in the assembly? If so he will come forward and address the audience." A voice in the crowd, "Mr. Proffitt is unable to speak to-night. He exhausted himself at Wilmington last night." Gen. Jones.—"We are sorry to hear it—the people want to hear Mr. Proffitt. Is Caleb Cushing, of Massachusetts, in the crowd?" A voice.—"Yes, Mr. Cushing is here." "Let him come up to the stand." I was much gratified to see our Proffitt stand higher with the multitude as a speaker, than Mr. Cushing, the distinguished orator of Massachusetts. Mr. Cushing took the stand and spoke over an hour. I heard few such speeches during the campaign. He was rather taller than Mr. Proffitt, inclined to baldness, wide mouth and dark hair. He was fluent, loud, rapid and animated. The only fault I could find at the time with his speech, was its extreme bitterness against the Democratic party. I had been much on the stump in that contest, had heard many distinguished men, and my observation had satisfied me that soft words

and hard arguments was the true policy. The sun, and not the wind, made the traveler part with his cloak.

Mr. Proffitt abandoned the Whig cause with his friends—Cushing, Wise, Upshur, Gilmer, Spencer, Irwin, and a few others, in 1841. His name was more fortunate than theirs, in not being rejected by the Senate. The reason, however, was that Mr. Tyler wisely withheld the nomination of Mr. Proffitt, until after the Senate adjourned, and then sent him to Brazil as our Charge. The Senate at the next session refused to confirm the nomination, and he returned soon after, in very bad health, lingered for some time, and died at the city of Louisville. The last time I was at Petersburgh I visited his tomb alone. As I stood silently by his grave, he seemed to rise as in the days of his pride before me, and then sink back to his mother earth. How soon we pass from active life to slumbering death!

JAMES LOCKHART.

WHILE writing this sketch, I heard of the death of my friend Judge Lockhart, of Evansville, the former and present representative to Congress from that District. I had known Judge Lockhart for many years. In person he was much above the medium size, large and portly, forehead prominent, hair and eyes dark. He was a man of acknowledged talents, a forcible speaker, a sound lawyer and a good judge; made no pretense to what is called eloquence, but was rather a matter-of-fact, straight-forward speaker, and much endeared to his friends. I part with him as I do with all my early friends, with feelings of deep regret. The Judge was a most valuable member of the late Constitutional Convention of our State. He stood by the ancient landmarks with great firmness. I give an extract from his speech on the grand-jury question in the Convention to show his style. On the consideration of the resolution of Hon. John Pettit to abolish the grand-jury system in the new Constitution, Mr. Lockhart said:

"There is perhaps no question that has been or will be submitted to the consideration of this Convention, of more importance to the people of this State, than the one now under consideration. The question for decision is—shall the grand-jury, an institution which has prevailed for so long a series of years in the country from which we have derived so large a portion of our present laws and institutions, and which has been so long and so successfully in operation in this country—be abolished? This, sir, is an important, a grave ques

tion, and one which demands the serious consideration of this deliberative body. The gentleman from Tippecanoe, the Hon. John Pettit, has taken a bold stand in presenting this proposition. He proposes to change essentially the organic law of the State, and upon a point, too, which has not attracted the attention of Constitutional Conventions in other States of the Union. He desires to abolish the grand-jury system, and to substitute in its stead public examinations before justices of the peace."

Mr. Lockhart combated the proposition at length, and closed:

"During my brief career at the bar I have prosecuted for the State, and can bear testimony to the high and honorable bearing of the citizens who usually compose the grand-juries. Let them receive the charge of the Court, examine the statute law of the State, hear the evidence of the witnesses, and, my word for it, ninety out of a hundred of their decisions will prove correct. Malicious prosecutions, to be sure, may sometimes be preferred, but abolish the grand-jury system and there will be ninety-nine malicious prosecutions preferred to one made by the grand-jury."

GEORGE G. DUNN.

And yet another! The same paper that announced the death of Judge Lockhart, brought the melancholy intelligence of the decease of George G. Dunn, of Bedford. I knew Mr. Dunn long and well. His was among the first intellects of the State. In person he was tall and slim, light hair and eyes, good features, prominent forehead, projecting chin. He carried upon his physiognomy evidence of talents and great perseverance. As a speaker at the bar, on the stump, in the State Senate, and on the floor of the House of Representatives in Congress, Mr. Dunn stood deservedly high. I thought him among the strongest advocates before the jury I ever heard. His model was his friend Joseph G. Marshall; like him, he forgot himself in his cause, disregarded his voice, taxed his bronchial organs too frequently beyond their endurance, and brought on premature affection of the lungs, which closed his valuable life at the very period when he was in its prime.

JOHN LAW.

I can not overlook Judge Law, with whom I have been on the most social terms of friendship for more than thirty years. Judge Law is a noble specimen of our race—large, portly, fine-looking, urbane, kind,

hospitable and generous. He is a native of Connecticut, settled in Indiana in early times, has contributed largely to the mass of mind, that has brought our State up to its present standard of prosperity and general intelligence. The mind of Judge Law is of a high order. As a lawyer he stands deservedly high. As a judge of the Circuit Court he was kind, courteous and popular. He was of that class of judges who hear the case before they decide it, and when he did decide, he was not found sticking in the bark of the case. He looked to the merits and decided, as law and justice in his opinion required, with the strictest impartiality. He felt and acted like a judge who was blind to the parties, and just to their case. Judge Law is in the bloom of life, and in fine health; long may he live. Such men can not stay with us too long, to cheer us on while our little barks are buffetted by the winds of time.

JOHN EWING

How shall I sketch my early friend, John Ewing, of Knox? Mr. Ewing was by birth an Irishman, small of stature, with a rich brogue upon his tongue. To say that he was among the prominent men of the State would be only doing him justice. Mr. Ewing was possessed of talents of a high order. As a speaker he had few superiors. His manner was ardent; his tongue at times sarcastic and bitter. His frankness was proverbial, indeed if he lacked any thing to give him power and efficiency, it was a prudent discretion that would have saved him from the assaults of enemies. But such was the character of Mr. Ewing, that he would neither conceal his thoughts nor cover them with palliatives to save his life. He was a devoted and true friend to those he held as such, and a bitter enemy to those he considered his enemies. He practiced upon the principle of reciprocity for good and for evil: an "eye for an eye" was the rule of Mr. Ewing. He served his district many years in the Senate of the State, and in Congress, with decided ability. The last time that I saw Mr. Ewing, his head was as white as the driven snow. He will never see the isle of his birth again. His sun will soon set, leaving many rays behind.

FOX AND ASHBURTON.

For many years Mr. Fox represented Great Britain near our Government. He was under the common size, with a good old English face, very large eyes and remarkably heavy brows; his manners were bland and rather prepossessing, his dress very plain, his conversation interesting. His talents were not of the highest order. He was quite a favorite in Washington circles, but so far as I have any knowledge, he was never instructed by his Government to make any important treaties with us. Mr. Fox was a relative of the celebrated Charles James Fox, of England, who was said to know every thing by weight and measure, though like our Webster, he paid no attention whatever to his pecuniary affairs, or rather like Cardinal Woolsey, he was "rich in promises but poor in performances," so far as his monetary affairs were concerned. On one occasion, he sent for his Ministerial associates on important business, with directions to enter his mansion by a back window. Several of them arrived. Mr. Fox informed them of his embarrassed circumstances, and asked their advice. One of them frankly advised him to reduce his establishment and dismiss at least a part of his servants. "As we came to your house, we saw over twenty at the front door with staves in their hands." Mr. Fox roared out in a loud laugh. "They are all tip-staffs waiting to arrest me for debt the moment I open the door." The complex relations between the United States and Great Britain, had assumed a character greatly embarrassing to both nations, when it was determined on the part of the British Government to create a special mission to the United States, to act directly with our Administration at Washington, with full powers to negotiate a treaty between the two nations. On the part of Great Britain, Lord Ashburton, of the house of Baring & Brothers, who had married an American lady, and entertained friendly feelings toward the United States, was appointed, who with Messrs. Mildmay, Bruce and Stepping, formed the legation. Mr. Webster, Secretary of State, received full powers from President Tyler to enter into negotiations with Lord Ashburton upon his arrival.

Matthew St. Clair Clark, of Washington City, in the days of his highest prosperity, had built a splendid mansion across the open square in front of the north portico of the President's house, at a cost of some $75,000, and furnished it finely. Lord Ashburton requested Mr. Webster to rent him furnished lodgings for the reception of himself and suite, on their arrival at Washington. Mr. Webster rented Mr. Clark's mansion, furniture and all, and agreed to pay $1000 per month, and keep it one year, with the refusal for another, and also to pay all

damages done to the property and furniture. Lord Ashburton took possession of the house, held it ten months, paid $12,000 rent, and $1,000 damages, for breaking some lights of glass, tearing and soiling the paper of one of the rooms; all this Mr. St. Clair Clark told me.

About the close of the mission, I was invited with other Senators, by Lord Ashburton, to his dinner party, at the hour of six o'clock in the evening, the common hour for dinners at private parties, from the President down, at Washington City. Punctually at the hour, Senator Huntington of Connecticut, rang the bell at the door of the foreign Minister. In a second the door opened and there stood before us one of the finest dressed gentlemen I had seen for many a day; fine black coat, white vest, white neck-handkerchief neatly tied, black breeches, tied at the knees, long white silk stockings, morocco shoes, tied with black ribbons, white silk gloves, powdered whiskers, gold watch-chain across his breast; bowing politely, "your names, gentlemen?" Judge Huntington gave him our names, which he announced in a loud voice to the gentleman who stood at the door of the audience-room in the hall, dressed precisely like the first. We approached, he bowed politely, opened the door and announced our names. As we entered, Lord Ashburton took us by the hand with great cordiality, and introduced us to the few guests present. So the form continued until all were present, some thirty Senators, the President, his Cabinet, and the foreign Ministers.

I felt some curiosity of course, to see how the dinner of a British lord, with such distinguished guests would pass off. I soon perceived that Lord Ashburton had uncommon social powers. Every body was made quite at home. His manners were so free and easy, his conversational powers so fine, the notice he took of all his guests so pleasant, his dress so plain, much more so than his servants, that I never saw a party enjoy themselves better. Lord Ashburton was about five feet ten in hight, heavy made, about the size of Mr. Webster, black hair, dark eyes, heavy brows, large head, broad, high forehead, fine features, open free countenance. He was evidently a man of a very high order of talents, and I may say with entire confidence that no other foreign Minister ever impressed himself more favorably upon the American mind. Mr. Mildmay was slim, with a light complexion, blue eyes, pleasant spoken and gentlemanly. Mr. Bruce was of the Home Department, fleshy, black hair, eyes and whiskers. He was a very interesting gentleman, and with his high conversational powers contributed much to the entertainment. Mr. Stepping, the last of the legation, was small, fair complexion, and light, laughing eyes. His countenance looked like fun lit up. He could keep the table in a roar.

Nine o'clock had come. One of the gentlemen servants passed around with a cup of pure Mocha coffee to stay us for dinner. The hum of conversation filled the long room for another hour. The clock struck ten. The folding-doors were thrown open. Lord Ashburton led to the table and took his seat at the center of the right side as we entered. Mr. Bruce took his seat directly opposite, Mr. Mildmay took the head, and Mr. Stepping the lower end of the table. I had the honor of a seat at the left hand of his Lordship, while Mr. Webster was seated at his right. The servants, or rather waiters, dressed as I have described, were stationed back of the chairs — the chief at the head of the table. I heard not a word among them during the repast, all went only by motions, silently, like clock-work. Turtle-soup, about a spoonful, the first course. The whole service was silver. I saw no gold plate, that evening. I was struck with the courtesy between the waiters and Lord Ashburton. A waiter approached with a *charlotte russe*, "Will your Lordship be helped?" "No, I thank you, sir." We went through twelve changes at the table; dinner lasted two hours; we rose and retired to the drawing-room. The clock struck twelve, the waiter entered with strong Mocha coffee. We drank a parting cup, took leave of the British Minister and the members of his legation, impressed with the truth that great men are always found to be plain gentlemen. I visited Lord Ashburton on another evening, at his invitation, which I may notice before these sketches close.

DOUGLASS MAGUIRE.

Among the early and prominent settlers at Indianapolis, from Kentucky, was the subject of this sketch. He was long my near neighbor and friend. I called at his door this morning, and learned from his son that the doctor had advised his friends not to visit his room; that he could survive but a few days. Thus pass away the enterprising pioneers of the State. We have had but few more useful men than Douglass Maguire. He has filled many important offices in the State, to the entire satisfaction of the people. He was one of the most conscientious men I ever knew; strictly honest in every sense of the word. An ardent friend of Henry Clay, personal and political. In person he presented a strong resemblance to that distinguished man—tall and slim, wide mouth, high forehead, prominent features. His health was for years very delicate, but his noble spirit seemed to animate and keep up his weak body, until within the last few days. Mr. Maguire was a member of the Constitutional Convention of 1850, from the county of Marion. As a delegate he came fully up to the just expectations of his friends. Mr. Maguire took a very active part in the business of the Convention; was among the best speakers of the body—plain, practical, direct to the question, never wasting his time in circumlocution. He will leave a wide void in the society in which he moved at the capital.

WILLIAM J. BROWN.

Few men of his age, in the West, have filled so many high positions as the subject of this sketch, and few were so well known to so many. Mr. Brown was a man of untiring industry, and of great energy of character. He held the high offices of member of the Legislature, member of Congress, and Assistant Postmaster General. He had always at command an inexhaustible fund of wit, humor, and interesting anecdote. For many years he was one of the most formidable Democratic public speakers in the State. In person Mr. Brown was under the medium hight, of rather delicate constitution, his head and shoulders slightly stooping, high, capacious forehead, light brown sandy hair, prominent features. Ere he had passed the meridian of life he fell a victim to a fatal bronchial disease, contracted by exposure while discharging the duties of mail-agent, for the Post-Office Department—in which capacity he rendered great and valuable services in detecting mail robbers, and having them punished. Mr. Brown was

the father of Austin H. Brown, of Indianapolis, and of Lieut. George Brown, of the United States Navy. His body lies in the Indianapolis Cemetery.

HENRY P. COBURN,

One of the valuable men of early Indiana, was the subject of this sketch. I became acquainted with Mr. Coburn in the year 1822, at Corydon, where he was Clerk of the Supreme Court. Our intimacy grew into friendship in after years, when we had both become citizens of Indianapolis. Mr. Coburn was, for many years, clerk of the court, one of the most faithful officers in the State. Of all the men I have ever known, Mr. Coburn was one of the most conscientious; punctiliously honest in all things. He took a very active part in the cause of education, in carrying into effect the graded system of schools of Indianapolis, and was among the best exhibitors at the fairs, of fruits from the orchards he had cultivated with his own hands. He was a worthy member of the Second Presbyterian Church for years. Mr. Coburn stood among the most esteemed citizens of Indianapolis, died lamented by all, and lies sleeping in the family vault, in the cemetery at Indianapolis. He was the father of John Coburn, of Indianapolis, and of Augustus Coburn, of Lake Superior.

JOHN HENDRICKS.

In early days the counties of Decatur and Shelby were in the woods. The counties had just been organized; the first term of the courts were about to be held. William W. Wick was president judge. The Court met at Greensburgh, in a log building on the north side of the public square. The Court and bar stopped with Thomas Hendricks, a brother of Gov. William Hendricks. There were few cases on the docket. Court lasted only two days, when the judges and lawyers left for Shelbyville, where the term was to commence on Thursday of the same week. We started in fine spirits from Greensburgh, after breakfeast; the day was cloudy, dark, and drizzling; there was no road cut out then between Greensburgh and Shelbyville; there were neighborhood paths, only, in the direction between them. Judge Wick rode a spirited animal, and at once took the lead. Away we went, at a rapid traveling gait; all at once the judge stopped at a little log cabin, at the forks of the paths, upon the gate-post of which hung a rough

board, with the word "Whisky" marked upon it with chalk. The judge hallooed at the top of his voice, the door opened, and out came the woman of the cabin. The Judge.—"Have you got any whisky?" "Yes, plenty; but we have no license to sell, and we will be prosecuted if we sell by the small. You can have a gallon." "A gallon! I don't want a gallon; a tincupful, with some sugar, will do." "You can't have it." "Fetch it out. I am the president judge of the Circuit Court, and this is Mr. Smith. He can quash any indictment these woods' prosecuting attorneys can find against you. Fetch it out, there is no danger of prosecution." Thus assured the old woman returned, brought out the whisky and sugar; the Judge took the lion's part, and on he went, but took the path that led to Brookville, instead of the one to Shelbyville. We all followed, but soon becoming aware that we were on the wrong road, we turned, came back to the whisky board, struck the Shelbyville trace, and just at night rode up to the residence, in the woods, of Col. John Hendricks, near Shelbyville. The Colonel received us with a hearty welcome, turned our horses out in his pasture-field, and we all walked over to town, about half a mile.

There were some three or four houses in Shelbyville; only one public house in the place, kept by a man of the name of Williams. Next day court was held, some four or five cases for selling whisky without license were tried, and the Court adjourned. Col. John Hendricks was a younger brother of Gov. William Hendricks. He was one of the finest looking men in the State—six feet high, as straight as a rifle barrel, well built up, head large and erect, high forehead, hair dark and thrown back in front, good features, eyes light blue, sparkling and intelligent; he was a noble specimen of the Anglo-Saxon race. The Hendricks family were early settlers of the State, from one of the central valleys of Pennsylvania; were all fine-looking men, in character hospitable, noble, magnanimous, and generous—and none of them more so than the subject of this sketch. I have known him long, and among all my acquaintances, I know of no man possessing a higher sense of honor, or a greater degree of high-toned moral and religious integrity. I saw him on yesterday, still erect, with hair as white as the drifted snow, his step firm, his countenance wearing the smile of former years. May he live long to enjoy a green old age. He is the father of Thomas A. Hendricks, Commissioner of the General Land Office.

WILLIAM HEROD.

For years the subject of this sketch, William Herod, of Columbus, stood among the prominent men of the State, a leading member of the Senate, an active Member of Congress from the Indianapolis district. I knew him well, both in the State Senate and in Congress. Mr. Herod was a good, but not a brilliant speaker; rather a plain matter-of-fact, common-sense man. He stood well at the bar, and very fair in Congress; he made no attempts at eloquence, but confined himself to the question he was discussing. Mr. Herod is still living; he is above the ordinary size, well made, large, round head, dark hair and eyes, good features. When last I saw him he looked as if he had many years before him. May he live to enjoy them.

MICHAEL G. BRIGHT.

The subject of this sketch, has long been numbered among the prominent men of Indiana. Self made, with only an ordinary common English education, obtained far from seminaries and colleges, he has risen by his own native energy of character, to a high position at the bar, and in the political circles in which he moves. He is a warm Democrat. The great characteristic of Mr. Bright is energy. He never stands still, he never tires, possessed of a strong, vigorous, common-sense intellect, great physical force, and incessant application, he is always formidable. As a speaker he is plain, direct, clear, emphatic, forcible, interesting and effective. In person Michael G. Bright is above the common size, strongly built up, large head, broad forehead, full face, dark hair and eyes. Mr. Bright was an active, valuable member of our last Constitutional Convention, and contributed largely to the formation of our present constitution. I have selected from the Debates an extract from one of his speeches, to let the reader see his style; he is now in the bloom of life, in fine health.

"Every member of the community holds his property, whether real or personal, subject to the rights and requirements of the State. It is a duty which the State owes to herself and to all the members who compose it, to maintain its sovereignty and its authority inviolate. It is a right inherent in sovereignty to take private property for public use without compensation being first made. The State is amenable to no one save to a sense of right. Although this right of the State to condemn private property for public uses is undoubted, yet we provide that compensation shall be made, but not *when* to be made. And this is a point

to which I invite the attention of gentlemen. The old constitution does not provide a time when this compensation is to be made by the State, and now shall we so frame this organic law that a jury shall be impanneled, and damages assessed and compensation tendered, before the property can be taken, and must the public interest suffer? Why the case put by the gentleman from Tippecanoe is a strong one. Suppose the State involved in war, an invading army is marching upon our frontiers; the public service is in pressing need of horses or cattle, or perhaps of stone and timber for the construction of fortifications; must the State wait until a jury has assembled and assessed the damages to the owner for the taking of this property; surely we have no precedents of individual hardships suffered through the neglect of the State to make ample remuneration for private property condemned for public uses, that we should go to the other extreme and engraft a provision like this upon the new constitution. I undertake to say, that in ninety-nine cases out of a hundred, where private property is taken, the owner receives more than a fair and just compensation. But be this as it may, no instance can be found, where compensation has not been made according to law. The State was never so poor, involved as she has been, in embarrassment and debt, that she could not pay every dollar of compensation awarded as damages for the conversion of private property to public uses. It is of comparatively small moment to the citizen, whether this compensation is made now, or at another time, before or after the property is taken; but, it is of great consequence to the State, that the progress of her public works should not be retarded a day."

ROBERT DALE OWEN.

The name of Robert Dale Owen is associated with much of the history of modern Indiana. He is a son of Robert Owen of Scotland, the founder of the Social Community at New Harmony, Indiana. Robert Owen left behind him two sons, when he returned to his native country. Robert Dale the subject of this sketch, and David Dale, the distinguished Geologist of the West. Robert Dale Owen is small in stature, large high forehead, light hair and eyes, prominent features of the Scottish cast. His mind strong, comprehensive and vigorous, highly improved by education and reading. He had been for years a prominent member of the Legislature of our State, and an active member of Congress from his district, when he was returned a delegate to the Convention of 1850 to form our State Constitution. It was there that his powers were fully developed to the people of Indiana. The

published volumes of debates of the Convention are filled with his views upon the important questions that arose in the construction of the organic law of the State. Mr. Owen however threw his main strength upon the question of the rights of married women. I have therefore selected from his speeches in convention, an extract from the one on that subject. He is now the representative of the Government at the Court of the two Sicilies, in the meridian of life.

"RIGHTS OF MARRIED WOMEN."

"I CONFESS to my anxiety regarding the fate of the sections that have just been read. No subject of greater importance than that to which they refer has come up since we met here. No subject of greater importance will engage our attention till we close our labors and go hence. As in estimation, next to the right of enjoying life and liberty our Constitution enumerates the right of acquiring, possessing, protecting property. And these sections refer to the latter right heretofore declared to be natural, inherent, inalienable, yet virtually withheld from one half the citizens of our State.

"Women are not represented in our legislative halls—they have no voice in selecting those who make laws and constitutions for them. There may be good reasons for that. I enter not on the inquiry. One reason often given for excluding women from the right of suffrage, is an expression of confident belief that their husbands and fathers will surely guard their interests, and see fair justice meted out to these, the special objects of their care.

"I should like to have a little more confidence in this opinion than experience has given me. I should like, for the honor of my sex, to believe that the legal rights of woman are, at all times, as zealously guarded as they would be if women had votes to give to those who watch over their interests, and to withhold from those who pass by and neglect them. I impute to no gentleman the deliberate intention to render less than justice to the other sex, merely because they have not the right of suffrage. I but say that self-interest is a marvelous sharpener of the wits, and causes us to think of, and enables us to discover many things, which, without its quickening influence, might escape our observation. But let us turn to the question more immediately before us. Let us pass from the case of the widow and look to that of the wife; and let us inquire whether the interests of the one are better cared for by law than those of the other. The old doctrine of the common law, that the legal existence of the woman is suspended during the marriage—the same doctrine that has existed for centuries in England—still substantially regulates, in a majority

of the States, the relation of husband and wife, as to property in a general way. The legal effect of marriage is:

"*First.* The husband becomes entitled, from the instant of the marriage, to all the goods and chattels of the wife. His right is absolute, unconditional. He may sell every part of the wife's personal property, whether owned by her before marriage, or coming to her after marriage, except only her necessary apparel. A married woman can not, therefore, legally sell the smallest article of personal property; she can not legally give away the most trifling trinket, no matter whether it was inherited, or the produce even of her own labor. A farmer's wife can not, in her own right, sell the poultry she has raised, or the butter she has made, even if a husband neglect to provide for his children, and the wife, by her labor, support them, the produce of her labor is his. Say that he has squandered what money he had in dissipation; and that, in the meantime, his wife, faithful to her home duties, has contrived, by constant labor as a seamstress, perhaps, or a washerwoman, to supply his place. Suppose that she has laid by in her trunk,—the same trunk, perhaps, in which her mother had packed, with careful hands, on her daughter's marriage day, the little property she had to give her,—suppose that the wife had laid by in that trunk a few dollars, hardly and bitterly earned, saved with difficulty as a scanty fund, to furnish clothing for her children against the inclemency of the winter. And suppose (alas! how often is the case a real one), suppose that the drunken husband comes home in the evening, breaks open the trunk and carries off the money; is that larceny? Has he stolen? By no means. He broke open his own trunk; he took—so the law declares—his own money. * * * But in securing to married women rights of property, we must bear in mind that those rights bring with them duties. The laws of New York, Wisconsin, and other States, seem to have been framed in forgetfulness of this; but the civil law admits and provides for it—requiring that the wife shall bear a portion of the marriage expenses. This proportion varies according to the necessity of the case and the means of the wife. To meet this the constitutional provision should declare that the property of married women shall be declared to them, *under equitable conditions.* It is for the law afterward to determine, in detail what these conditions shall be."

JESSE D. BRIGHT.

The reader at this day must be familiar with the subject of this sketch. Jesse D. Bright is emphatically a self-made man. In despite of the obstacles he has had to encounter for the want of an early education, he has, by the force of his native powers, risen step by step, from obscurity to the high position of the President of the Senate of the United States. In person he is large and muscular, a strong physical formation, full breast, large expanded chest, full face, large square forehead, hair and eyes dark, five feet ten in hight, mouth wide, head large. Mr. Bright possesses great energy of character, with good common sense, and an iron will, giving a strong impetus to his movements. Nature has done much for him, and he has done much for himself. He stands, perhaps, first among the leaders of the Democratic party in the States. It is understood that he was offered and declined a seat in the Cabinet of Mr. Buchanan. As a speaker, Mr. Bright is strong, loud, forcible, impulsive, sometimes eloquent; his *forte*, however, is in dealing with facts, and presenting them in a strong, common-sense point of view to his hearers. He always commands attention, by his earnest manner and strong array of facts.

I have already said, in these sketches, that I have no political ends to serve, and entirely exclude politics from them. My great object is to be faithful to the truth of facts and of history, for after times as well as the present. Mr. Bright has been rather a business than a speaking member of the Senate. He is now in fine health, scarcely having reached the meridian of life.

HENRY CLAY.

No man in the United States, since the days of Gen. Washington, has filled a larger space in the public mind than Henry Clay. From the mill-boy of the slashes of Virginia, he rose, by the force of his great native powers and his untiring energy, to fill the civilized world with his fame. From my earliest recollections of the prominent men of the nation, the name of Henry Clay has been familiar. I read of him in 1812, while at the head of the great Republican party, leading the friends of the administration of Mr. Madison, in support of the war with Great Britain: I had noticed him in 1816 still leading the Republican party in support of a sound national currency, and the protection of American industry: I had marked him at the treaty of Ghent, as one of the leading spirits in restoring, by treaty, an honorable peace between Great Britain and the United States: I had read his speeches;—when, for the first time, I saw him on the fourth day of July, in the year 1817, on the public square at Lexington, Ky. The next day, I heard him argue a case before the jury, in opposition to Mr. Breckenridge. He was then comparatively a young man, tall, slim, light hair, high retreating forehead, large wide mouth, prominent features, narrow chest, long neck, head erect, step elastic, intelligent grey eye, smiling countenance, warm grasp of the hand. I was introduced to him, and from that day forward to his death, I was one of his devoted personal and political friends. It was not, however, until March, 1837, when we met in the Senate of the United States, that I became personally intimate with Mr. Clay. Our position was such, as members of the Whig party, as to bring us much together, not only in open Senate, but in the executive sessions and Whig caucuses, where he spoke freely, with no possible restraints upon him. I can truly declare that I never heard a word from him inconsistent with true patriotism and love of country; his very soul seemed attuned to lofty strains of patriotic devotion to our glorious Union and love for the American people.

In my sketch of Gen. Jackson and Henry Clay, I have given to the reader the characteristics of the mind of both these great men. As an orator, Mr. Clay stood pre-eminent among the distinguished men of the Senate. There was a strong infusion of declamation in his style, that gave to his speeches a charm of delivery, which no other man could imitate. His manner was always suited to the subject. He was aware that true eloquence is the child of knowledge. He asked me one day, while Mr. Webster was speaking, in what greatness consisted. I tried to answer him. He interrupted me:

"In preparation. No speaker was ever great without preparation. I seem to speak off-hand, so does Mr. Webster; yet we both speak with preparation, and never without it on important subjects." At times Mr. Clay was very uncommon; then his voice would raise, his eye flash, his cheeks color, his system become animated, and he would pour forth a flood of impassioned, high-toned eloquence that would hold the audience spell-bound.

I was present during the memorable intellectual contests in the Senate, of Mr. Clay, Mr. Webster, and Mr. Calhoun, known as the "war of the giants." I had every opportunity of seeing and hearing these great men in the warmth of the excited debates of the session. Mr. Clay always rose with the occasion, and came fully up to the high expectations of his friends. He possessed great moral and personal courage, and never, for one moment, rested under what seemed to him to be unjust personal allusions, or imputations. On one occasion Mr. Webster alluded to the absence of Mr. Clay on the passage of Gen. Jackson's force bill, against Mr. Calhoun. Mr. Clay, with evident feeling, rose, and fixing his eyes on Mr. Webster, said: "It is true, Mr. President, I was arguing a case in the Supreme Court when that bill passed. Had I been here I should probably have voted for it; but sir," glancing fire at Mr. Webster, who had made a speech in favor of it, "no new-born zeal could have induced me to be seen standing on this floor making speeches for that administration." Mr. Webster evidently quailed under the stern, defiant rebuke of Mr. Clay.

At another time, William R. King had repeated some severe remarks he had heard from others against Mr. Clay. The moment Mr. King took his seat, Mr. Clay rose, addressed the president, and in a loud, firm voice, said: "I pronounce the statement of the Senator from Alabama false." Mr. King sprang to his feet. "Mr. President, the Senator from Kentucky," and without proceeding further, took his seat, and immediately wrote a note, and handed it to Senator Lewis F. Linn, who stepped across to Mr. Clay, just as the Senate adjourned. I happened at the moment to be standing by the side of Mr. Clay. As Mr. Linn approached Mr. Clay remarked: "Ah! a challenge, I presume. My friend, Mr. Archer, will attend to that," and passed out of the side door of the Senate chamber. The result was, that the remark of Mr. Clay was construed to mean, that the information Mr. King had received was false, not that Mr. King had stated a falsehood; such was Mr. Clay's own version of the matter. The challenge was withdrawn, and Mr. Clay and Mr. King continued friends while both lived.

Mr. Clay evidently felt himself entitled to be the leader of the

Whig party; the measures of the party were his measures, the currency question, the protection of American industry, the distribution of the proceeds of the public lands among the States; these were his measures, and he felt, as did many of his friends, that he ought to have been elected to represent them. Mr. Clay never fully acquiesced in the result of the Whig convention that nominated Gen. Harrison in 1840, nor of the subsequent nomination of Gen. Taylor. He said to me that they were sacrifices of the Whig party to a supposed availability; still, after the election of Gen. Harrison, no man in the nation was more warmly the friend of his administration. He often conversed with me about his political life, and especially in relation to his vote for Mr. Adams, in the House of Representatives, for President, over Gen. Jackson. He spoke with feeling of the influence of that vote, of his taking office under Mr. Adams, and upon his subsequent political life. We were alone one evening in his room, when he brought up the subject, and remarked: "In voting for Mr. Adams I followed my own matured and deliberate judgment. I believed, all things considered, he would make the best President; his great experience, pure life, high character, thorough acquaintance with our foreign relations, pointed him out as the man for the times. I was not mistaken in him; he made a first-rate President. In accepting the office of Secretary of State under him, I acted upon the advice of others and against my own wishes. The political consequences to myself never weighed a feather, it was solely a question of duty to the country. Mr. Adams was taken from New England. I had voted for him. The West required a member in the Cabinet. The eye of both parties was turned to me. I was solicited, urged by distinguished men of both parties to take the position, for the benefit of the country. I yielded, and the moment I had taken the office, the cry of bargain, intrigue, and management, between Mr. Adams and myself, was raised by the very men opposed to me, who had urged me to take the office. A partisan press seized upon the charge, connected it with the infamous Kreemer cards, every word of which was false, so far as it charged bargain and corruption, or improper motives between Mr. Adams and myself; and although it has been refuted again and again, I suppose it will follow me to my grave, Mr. Smith. My conscience is clear, and that is worth a thousand times more to me than the applause of the world unjustly obtained." Mr. Clay was greatly rejoiced at the success of the Whig party in 1840. He looked upon the result as the triumph of his long cherished measures, and when the extra session commenced, after the decease of General Harrison, and the accession of Mr. Tyler to the Presidency, he boldly

laid down the measures of the party for the action of the members of the party. This was called by some dictation. It was no more so than the messages of the President to Congress; it was merely suggestive and advisory.

No man ever felt more keenly, than did Mr. Clay the desertion of Mr. Tyler; he had set his heart upon the party measures to be carried into effect at the extra session, which had been called by Gen. Harrison a few days before his death. He had entire confidence in Mr. Tyler and his Cabinet, as he frequently expressed himself to me in our conversations. Mr. Clay was the fast friend of the American policy, the internal improvement of the country, within the powers of the Constitution. He denied the salt water doctrine on the subject, that all improvements must be made in aid of commerce, upon the seas and lakes, or below ports of entry. He maintained that it was Constitutional to protect the industry of the American people, by levying duties upon importations of like kinds of foreign articles, if necessary, whether for revenue or not. He maintained this doctrine, as necessary and proper in self-defense, against foreign restrictions. He insisted that by protecting our home industry we would have a home market, and would keep our specie at home, as a circulating medium, instead of sending it abroad to pay for foreign luxuries, breaking our banks, and impoverishing our people. Mr. Clay was a warm friend of a National Bank. He did not believe that we could do the business of the country with a metallic circulation alone, nor that the local banks could be confided in, for a sound circulating medium, of uniform value. His model bank was the old Bank of the United States, chartered by Congress. He always regretted that the Bank of Pennsylvania was called the United States Bank, as the identity of name misled the public; the one had discharged the duties of a bank of issue, discount and deposit, for the Government and people; had received and transmitted the funds of the Government over the length and breadth of the Treasury requirements without charge, and without loss; had paid every dollar of deposits, redeemed all its issues with specie, without the loss of a dollar to the Government or people; had afforded a circulating medium of par value co-extensive with the metallic bases. Such was the bank that found favor with Mr. Clay and the Whig party: the Bank of the United States, of Pennsylvania, of which Mr. Biddle was president, was brought forth in fraud, sunk under the weight of its own iniquity, and wound up in bankruptcy. This bank neither Mr. Clay, nor any of his party, sustained for a moment.

I have sketched under the head of John Tyler, some of the causes

that produced the final party catastrophe, in the separation of the executive department of Mr. Tyler from the great body of the Whig party. The Whig manifesto, on that occasion, by which Mr. Tyler was declared no longer to be worthy to be associated with the Whig party that had elected him, was highly approved by Mr. Clay, as was the resignation of the Cabinet of Mr. Tyler. He told me at the time that no honorable man could remain associated with Mr. Tyler, without incurring a portion of his disgrace. I remarked, "What then will become of Mr. Webster, who stays with Mr. Tyler." "Mr. Webster has a large capital to go upon; his friends will believe that he has excusable motives to keep him there; the treaty with Lord Ashburton will be good apology, but Mr. Webster will not be able to remain there long without becoming Tylerized himself." And so it turned out, Mr. Webster resigned and Mr. Calhoun took his place.

Mr. Clay had concluded to resign his seat in the Senate, and retire for the balance of his days to his own Ashland: the day of the resignation was fixed, at which he would deliver his farewell address to the Senate. The day arrived, before the hour the Senators were all in their seats, the aisles, side seats and galleries crowded. The time had come, Mr. Clay rose from his seat, on the outside circle, near the south-east end, calmly, and without even his usual gestures, delivered a most thrilling and affecting farewell address to the body, taking leave of the Senate, and of public life forever. The immense audience were as silent as death, many manly cheeks were suffused with tears. Mr. Clay took his seat, Senators from all parts of the chamber, without regard to politics, gathered around him, and for the last time grasped his extended hand. Thus retired from the service of his country, one of her noble patriots, after having devoted his long and valuable life at home and abroad, to sustain her honor and promote her glory, breathing with his parting words nothing but kindness to all the Senators with whom he had been so long associated, —"May the blessings of Heaven rest upon the heads of the whole Senate, and every member of it; and may every member of it advance still more in favor, and when they shall retire to the bosom of their respective constituencies, may they all meet there that most joyous and grateful of all human rewards, the exclamation of their countrymen, 'Well done, thou good and faithful servant.' Mr. President and Messrs. Senators, I bid you, one and all, a long, a last, a friendly farewell." A few years after the coffin that contained the remains of Henry Clay was seen silently and solemnly moving from the National Hotel at Washington city, on its way to his own Kentucky, that he loved so well; where he now sleeps. Peace to his Manes.

HENRY S. LANE.

Long before the campaign of 1840, the subject of this sketch had become distinguished among the first men in the State of Indiana, both as a lawyer and statesman. In that campaign, however, he rose still higher as a public speaker. Mr. Lane served his county in the State Legislature, and afterward his district in Congress, with signal ability. His mind was of a high order, and his eloquence of the nervous, direct, impassioned character. He held his audience spell-bound by his powers. His speeches were always too short for his hearers, although often too long for his voice, which was never strong. He was always listened to with great attention, and impressed himself strongly upon his audience.

Mr. Lane was a warm, devoted friend of Henry Clay, personal and political; as he was of Gen. Harrison, after he became the standard-bearer of the Whig party. No man rendered greater services to his party, in the presidential campaigns of 1840, and subsequently, than Mr. Lane. He presided over the convention that nominated John C. Fremont, as the Republican candidate against Mr. Buchanan. In person, Mr. Lane was tall and slim, light hair, gray eyes, large forehead, sunken mouth, thin lips, long arms, slim, long fingers. While in Congress he made many characteristic speeches, well remembered by those who served with him. Among them, was one in reply to the attack of Judge Dean of Ohio, on Gen. Harrison, which I have not been able to find. I give, however, an extract from another of his Congressional speeches, to show his style and spirit:

"Mr. Chairman:—I regret very much the necessity which imposes upon me the duty of addressing the committee at this time. It is known to you and to this House, that I very rarely trespass upon its time and attention; but the very singular character of the debate upon this bill, and the magnitude and importance of the subjects embraced in it, will, I trust, afford an ample apology for me. The present alarming crisis in our financial affairs, is well calculated to fill the mind of every true patriot with gloom and apprehension. Our National Treasury is bankrupt, our national credit and honor prostrate, the States of this Union borne to the earth by an enormous load of debt; the people every where cursed with a rotten and vitiated currency, and threatened with bankruptcy and ruin; the annual revenues of the Government insufficient by many millions of dollars, to meet its ordinary expenses under the most rigid system of economy consistent with the public interest. Sir, in the present condition of National, State and individual embarrassment and distress, let us pause and calmly look

back upon the history of the past, for the causes which have produced such mighty and disastrous effects.

"But a few short years ago we had an overflowing Treasury, the best currency known to the world—every home was filled with comfort and plenty, every heart with joy and gladness. Why is it that your Treasury is empty? Why is it that this Congress is now laying the foundations of a great National Debt? The reasons for the present deficit in our revenue are many and obvious; a *few* of which I shall attempt to enumerate. It has become a part of the history of the country, and is known to the whole world, that Mr. Van Buren's administration expended annually about $8,000,000 over and above the annual revenues of the nation; that that administration, after expending a large surplus which they found in the Treasury, and after availing themselves of every means of revenue within their power, temporary and permanent, were hurled from place and power by the people for their extravagance, profligacy and corruption, leaving a debt to be discharged by their successors of about $16,000,000; that they, instead of laying a tariff of duties sufficiently high to meet the wants of the Government and discharge its debts, resorted to the miserable policy of issuing Treasury notes, for the double purpose of relieving their present wants, and at the same time hoodwinking and deceiving the people as to the true condition of the Treasury, and concealing as far as they could, the evidence of their waste and extravagance. If the party lately in power, had had the wisdom, patriotism and moral courage to have passed a proper revenue-bill at the proper time, and to have curtailed their expenditures within reasonable limits, we should not be laboring under those evils which curse and afflict our common country. The currency of a country must always be most intimately connected with its credit and prosperity. I shall not detain you, Mr. Chairman, by going into a history of those measures by which the currency was reduced to its present deplorable condition; it is enough for my present purpose to say, that the Bank of the United States furnished the people with a sound currency of uniform value, every where conversible into gold and silver; that the people were satisfied with their currency; that the Bank was popular; but Gen. Jackson, in the fullness of his power, and in the pride of his overshadowing popularity, willed its destruction, and it was destroyed. The Democratic party then determined that State banks should furnish the only paper currency for the people, and through their instrumentality the State bank system was fastened upon the country; and the evils and abuses of that system, have been the fruitful source of countless and untold calamities.

"So much, Mr. Chairman, for the agency of our Democratic friends in producing the present state of things. Differ as we may, Mr. Chairman, as to the causes of our bankruptcy, and utter prostration of confidence and credit, the fact at least is undeniable and confessed that the Government needs, and the public service imperiously demands, all the money provided for in this loan bill. At the extra session, we passed a law authorizing a loan of $12,000,000. $5,500,000 of that loan was negociated; the balance, owing to the state of the money market and to the terms of the loan, was not negociated. The bill now before us proposes to extend the time of the original loan, and restricts the Secretary of the Treasury from selling any of the bonds issued under this bill at less than par value. The amendment of the gentleman from Virginia, now under consideration, requires the Secretary to redeem those bonds so soon as they shall depreciate below par in the market. The gentleman doubtless, intends by this amendment to keep the bonds from depreciation; but, Mr. Chairman, how can the amendment effect that object? On what basis rests private and public, national and individual credit? Upon the twofold foundation of the will and ability of the debtor to pay the debt. And what evidence, let me ask you, do we give by the proposed amendment of our ability to pay this loan? We anticipate a depreciation of our bonds, and legislate with an eye to that event. The amendment, if adopted, is an open annunciation to the whole world that we ourselves distrust our own solvency and our own credit. How that is to prevent a depreciation of our stocks passes my ability to comprehend.

"But, Mr. Chairman, how does this amendment affect the question of our willingness to pay? What will capitalists say of the honesty and morality of the amendment? We propose first to sell our bonds at par, or to pay them to the creditors of the Government at par, and then to authorize and require the Secretary of the Treasury to enter the stock market, and compete with brokers, shylocks and shavers, for the purchase of our bonds at any rate of discount which they may bear. What are the pledges of security which we can give to lenders for the payment of our bonds? First, the vast and inexhaustible sources of wealth and power contained in our country, and secondly, an open, honest and consistent course of legislative action—any departure from which must impair rather than strengthen our credit. But we are told, that in order to sell our bonds at par, and to retain their par value, we must set apart and pledge a specific fund for their payment. Is this necessary? Let the experience of the past answer. What security did we give our creditors for the immense debts of the Revolution and the last war? What security did we give for the

redemption of the vast amount of Treasury notes, we from time to time have issued? The highest security which man can give or ask—the plighted faith and honor of this great nation. Yet no specific fund was pledged for these debts. But in the very act of borrowing, do we not pledge all our means of payment until the obligation is discharged? The President in his last message to us, says, that a want of confidence is the great evil under which we labor. This is true. And before I resume my seat, I shall endeavor to show who it is that has inflicted the fatal stab upon the character and credit of the nation. Sir, let the President respond to the calls of a suffering country; let him cast off those evil advisers who darken his mind with adulation and flattery, and poison his heart with envy and malice: let him carry out faithfully, the principles upon which he was elected; let him return again to his first love; in a word, let him become an honest politician—and then, neither he nor the country will have cause to complain of the want of public credit. But how is it possible that capitalists and foreigners can confide in him in whom no one trusts—in him in whom ninety-nine hundreths of the whole nation, place no reliance? What! trust in him who has shown himself so unworthy of political station—so recreant to all public confidence! The idea is absurd and ridiculous.

"I now come, Mr. Chairman, to the charges made upon the Whig majority in Congress, as well by the gentleman from Virginia (Mr. Wise) as by the hired and prostituted presses in the interest of the Administration, from one extremity of the Republic to the other. What are those charges? We are told that the majority in Congress factiously oppose every measure and recommendation emanating from the President, regardless of the welfare of the country; that the Whigs have determined to pass no measure of relief lest Mr. Tyler shall get the credit of it; that we are deaf to the cry of distress which comes up to us from every quarter of the land; that we are legislating with the view and for the object of advancing the interests of Mr. Clay, and securing his election to the Presidency; that we are the do-nothing Congress. Sir, a sense of duty to myself, to my constituents, to my country, to the cause of truth, justice, and patriotism, impels me, upon this occasion, to show the utter groundlessness of these charges, and once for all, to disavow the base, groveling, and unworthy motives, so unjustly attributed to myself and to those with whom I act. I regret alike the charge and the motives which prompted it. What has been the course of the Executive since his coming into power, and what has been the conduct of the Whig majority in Congress? Let us go back to the history of the extra ses-

sion. Mr. Tyler, in his first message to Congress, hints most unequivocally that the extra session was no measure of his, and that he was opposed to it, and in no wise responsible for its success. He speaks in that message of a bank so mysteriously, that almost every one who read it put a different construction upon his language. In that message he holds the veto power in *terrorem* over the independent action of Congress. But the Whig party, mindful of the objects for which they had been convened, and intent solely upon advancing the great interests of the nation, set about the improvement and the correction of the disorders of the currency, and the replenishing of the Treasury of the nation. Mr. Clay introduced a bank bill in the Senate, and it was soon understood that the President was giving out his dark hints and innuendoes against the bill. The friends of the country became alarmed, and, in order to avert a veto, the celebrated compromise section was introduced and passed by the Whig Senators. Thus they, for the purpose of conciliation, gave up and abandoned their long cherished principles, yielded what they believed to be the true construction of the Federal Constitution, and waived what they believed to be their undoubted power under the Constitution—the right to establish a bank to operate '*per se* all over the Union.' This concession, it was understood and believed by all, would satisfy the President and secure his sanction to the bill. The Whigs understood him as being fully committed to the measure. The bill was passed and sent to him for his approval, and he, in the arrogance of his nature, in the intoxication of his accidental power, vetoes the measure. Why? Because it bore the impress of the giant intellect and lofty patriotism of the great Kentuckian, Henry Clay. In him he recognized the fearless champion of truth, the noble advocate of liberty, the idol of his party, the pride and hope of his country. It was enough that the bill originated with Mr. Clay to insure the President's opposition.

> "Base envy withers at another's joy,
> And hates that excellence it can not reach."

"Thus we see that the President, impelled by hatred and envy of Mr. Clay, and prompted by the restless demon of his unholy ambition, defeated that first great measure of relief, proposed and passed by a Whig Congress. The Whigs then, although deceived and betrayed by their President, and stabbed 'in the house of their friends,' were unwilling to adjourn without another effort to carry out the great objects for which they had met. Another bank charter was proposed, framed expressly with the view of securing his approval, and to which his sanction, after a full and explicit knowledge of all

its provisions, was most unequivocally pledged, not only to his Cabinet, but to members of this House and of the Senate. That bill was also vetoed by the President, thereby fixing upon his character the double stain of hypocrisy and treachery! In view of all these facts, I ask the country to decide who has defeated all measures of relief, the Whig Congress or the President? After the last veto, five out of six of his Cabinet advisers, feeling that a longer association with him could add nothing to the interests of the nation, or to their own personal character—that 'his touch was pollution, his contact death'—abandoned him; and notwithstanding all the persecution, and all the calumny which has been heaped upon that retiring Cabinet, they, by that retirement, gave an instance of lofty, devoted, and self-sacrificing patriotism, unsurpassed in the annals of man. One member of that Cabinet is soon to take his seat as a Senator from the proud and patriotic State of his nativity; another most worthily and ably represents a portion of the Empire State upon the floor of this House. They all were followed into retirement by the gratitude and blessings of thousands; their tombs in after times shall be shrines for the pilgrimage of freedom's votaries, and upon their graves the future patriot shall relume the dying flame of liberty. Sir, who would not rather be one of that persecuted Cabinet than to play the automaton part of the present accidental head of the nation? The gentleman from Virginia says that, at the close of the extra session, the Whigs—as he styles them, the manifesto Whigs—declared war upon the President; that the thirteen Whigs who prepared and signed that address were usurpers, by assuming to act for the whole Whig party in Congress, when, in fact, a majority dissented from the doctrines of that address, and that many Whigs now are sorry for their agency in relation to that address. Sir, it is time that the country should know the facts in relation to the getting up of that address. At the meeting which determined upon that manifesto, between ninety and one hundred Whig members of Congress attended; and if there was opposition to or dissent from the facts stated in the address, surely I did not hear it, nor can I believe that it existed. And if there be one Whig upon this floor who attended that meeting, who disapproves what was there done, I ask, demand, defy him to get up now and proclaim his dissent and his recreancy. No one rises. Then I am to infer that no such person exists; and I hope that we shall hear no more of the charge of usurpation against the committee whose names are signed to that noble Whig document. Sir, I have thus briefly glanced at the history of the extra session. And does any thing in that history go to show that the Whigs were actuated by a spirit of factious opposi-

tion to the President? Who are they who, pretending to be Whigs and friends of the President, have thwarted every Executive recommendation and every measure of relief to the country? The gentleman from Virginia and his friends and allies of the guard.

"Sir, in view of the evils and calamities brought upon the country by the President, may not the patriot from his heart of hearts invoke the poet's curse upon him?—

> 'Oh for a tongue to curse the slave,
> Whose treason, like a deadly blight,
> Comes o'er the counsels of the brave,
> And blasts them in their hour of night!'

"So much I have thought it necessary to say of the President and his official conduct. I now pass to the consideration of other matters connected with the honor and independence of Congress. We are told by a gentleman in the city of New York, in an address to a meeting of merchants, brokers, and bankers of that city, gotten up for the purpose of glorifying Mr. Tyler's administration, and heaping abuse upon a Whig Congress, among other things, 'that beggars should not be choosers; that we can get nothing else, and therefore we must take whatever Mr. Tyler is pleased to give us!' Sir, is there any member upon this floor, of any party, who can listen to this language with other than feelings of deep and burning indignation? Beggars, forsooth! Who are beggars? The People and the People's representatives—the American Congress! And of whom shall they beg? Of John Tyler, into whose nostrils the Whigs breathed the breath of political vitality—of him whose treachery has ruined the party who placed him in power, and blighted and blasted the prosperity of the nation for long, long years to come!

"What is the American Congress that it should be thus degraded? Who gave force, efficiency, and impulse to that mighty, moral, intellectual, and political revolution which freed this country, and shook to their center the hereditary thrones of Europe's despots? An American Congress. Who devised means for paying off the immense debt of the Revolution? An American Congress. Who, when our national existence was threatened, our honor invaded, our seamen impressed, our flag insulted, grappled successfully with the first power in the world—Napoleon's conqueror? An American Congress. Who devised those beneficent measures, the good effects of which every where beautify and adorn our country? An American Congress. To what point has the patriot turned his eye in every dark period in our national existence? To the people's representatives, who stand erect in the consciousness of their honor, their power, and their patriotism, above the

blandishments of flattery, unallured by the hope of gain, unseduced by the dreams of ambition, unawed by the frowns of power. We are told here, and the charge is repeated in every hired press from Maine to New Orleans, that we are determined to do nothing—that this is the do-nothing Congress. Why this effort to disparage Congress, and throw the odium of failure of every measure upon the body? The reason is apparent—they seek to divert public attention from their own conduct, and to direct it to Congress. But they shall not escape in that way; the People shall be the judges between us. The People will, when they understand the facts, determine who have adhered to their principles through every change, 'through evil as well as through good report,' and who have basely abandoned their party, their principles, their country. Mr. Tyler's friends in their great devotion to their great chief, have compared him to Napoleon. 'Ye gods and little fishes!' John Tyler and Napoleon Bonaparte!

"Mr. Chairman, is it not surprising that, in casting about for some one to compare their great leader to, the fame of one of Philadelphia's great military men should have escaped their memory—I mean the immortal Col. Pluck? He, with his bantam feather, his tin sword and his bullet buttons, surely resembles their idol as much as their idol resembles the hero of Austerlitz, Jena, and Lodi's bridge. And Mr. Chairman, is it not wondrous strange that they have overlooked the claims of one of Shakspeare's commanders—I mean Col. John Falstaff? Can you not recognize the resemblance between him and their chieftain? You remember Falstaff's regiment of ragged recruits. Who are Mr. Tyler's recruits? Office-holders, office-seekers, Government contractors, hired editors, and those who are called 'the guard' upon this floor. Falstaff was ashamed to march through town with his regiment; it remains to be seen whether Mr. Tyler has an equal sense of shame.

"But again: We are told by gentlemen that, if the President and his Cabinet can not get good laws passed, they will at least recommend good measures, and present good issues to the country! Before I stop to inquire what good measures the Cabinet have recommended, let us inquire what their recommendation is worth? What importance let me ask, can be attached to the recommendation of the Secretary of State—Mr. Webster? What was his conduct at a time when this country was engaged in a war with England? I refer to his votes, from an inspection of the journals of this House. I have had but little time to devote to their examination, but am satisfied with the correctness of my references. July 1, 1813, he voted against a bill for assessing and collecting taxes to sustain the war. July 9th he voted against laying a tax on refined sugar and sales at auction—a measure intended

to raise revenue. July 7th, 1814, against a bill to sustain the Navy. The 11th of the same month, against a bill which, among other things provided for punishing spies. The 22d of January, he voted against a bill to enlist troops during the war, in a minority of seven. On the 25th of January, 1814, against the nonimportation law. February 8, 1814, against raising five regiments. March 29, against calling out the militia to repel invasion. December 1st, against providing revenue for sustaining the public credit. December 10th, against calling on the States for their quotas of militia to defend the frontiers. On the 19th of December, against a bill to provide for the expenses of the war. He also voted against a bill to provide for rebuilding the Capitol, after it was burned by the British. Sir, I leave the record of these votes without comment, and pass to Mr. Webster's present position. But, if it is asked why I have not brought Mr. Webster's votes up in judgment before this time, my answer is, that after the war, for a long period of time, Mr. Webster seemed devoted to the best interests of the country, and I in common with hundreds of others, hoped and believed that he had repented of his former errors, and changed his opinions and principles; but his recent conduct has proved to me that he remains unchanged, and that his seeming change of course, was only affectation. He was appointed to office by Gen. Harrison, and when the other members of the Cabinet resigned their stations with scorn and disgust, Mr. Webster loved his office better than his country—his emoluments more than honor. That Mr. Webster is a man of great intellect and transcendent abilities no one will deny; but what shall we think of that man who remains part of a Cabinet whose head vetoes two bank charters, while he is the great bank champion? Does the Secretary of State dispense the patronage of his office so as to merit or receive the support of Whigs? No, sir; look to his selections of newspapers to publish the laws. He selects the most vindictive partisan presses in the Locofoco party. Witness the papers selected in Illinois, the St. Louis Bulletin, the Nashville Union, the New Orleans Advertiser, and a great many others which might be enumerated. All the editors patronized by Mr Webster, so far as I know, with but few exceptions are either Democratic, or they are renegades from the Whig ranks to the Tyler party; and his appointments to office are even worse than his selection of newspapers.

"Mr. Chairman, let me suppose a case, for the sake of illustration. Suppose that Mr. Webster wished, at one time, to silence the thunders of the Globe against the Administration; and, to effect that purpose, sent Mr. Weaver to employ the editors of that paper to print certain census papers, and that Mr. Weaver did so employ the said editors;

but that the editors did not choose to support the Administration, and then Mr. Webster repudiated the contract, and hired the editor of the Madisonian to print the same papers: and then let me suppose, that Mr. Weaver was summoned to go before a committee of this House, to testify in relation to the matter; and that Mr Webster, upon learning the fact that Mr. Weaver was to give his evidence before the committee, told him to beware what he did: and then suppose, that Mr. Weaver was a clerk in Mr. Webster's office, and that he construed Mr. Webster's language into a threat to dismiss him from office, if he told the truth; and that Mr. Weaver, like an honest man, immediately resigned his office. If this supposed case is founded in truth, what confidence can we have in Mr. Webster's recommendations?

"Now for the balance of the Cabinet. Mr. Spencer, for instance: he it was who wrote the call for the Syracuse Convention, after the extra session, breathing daggers and ratsbane against the President; yet, in less than two weeks after denouncing the President, in the most indignant strains, he becomes a Tyler man and accepts the office of Secretary of War. To go no further, what can his recommendation be worth? Take, if you please, Mr. Secretary Upshur, the metaphysical abstractionist, and disunion hero of the Old Dominion: his recommendation can be worth nothing to me, until I can believe that he is the best friend of the Union who is ready, at any time, to destroy it. I have not time to speak of the other members of the Cabinet: but it is enough for me to know, that if they are the friends of John Tyler, in his present position, they can not be, in my judgment, friends of the country. And now, sir, aside from the force of the recommendations, what are the measures recommended by the Administration? The President recommends, in his late most extraordinary message, the repeal of the bill of the last session which provides for the distribution of the proceeds of the public lands. For the last ten years the Whigs have steadily contended for that measure; and now, as soon as it is passed, Mr. Tyler gives an earnest of his Whiggery, by recommending its repeal. And because we do not choose to follow him blindly, we are to be taunted with factious opposition. The President tells us, in his message, that at the time he recommended in his message, last June, the passage of the act he now proposes to repeal, he had reason to believe there would be a surplus in the Treasury. Now, sir, how can that be, when, at the very time he recommended the passage of the distribution act, the Secretary of the Treasury showed, that so far from there being an excess of revenue in the Treasury, there would be a deficiency of at least $10,000,000? And at the very time, when the distribution bill was pending in this

House, there was a bill pending for a loan of $12,000,000, and that loan asked for by the Administration. Now, one of two things is true: either that the President at the time he says he apprehended a surplus in the Treasury, was most grossly ignorant of the true condition of our finances, or that he stated, in his last message, what he knew to be untrue, and what this House and the world know to be untrue. Now, I do not accuse the President 'of falsehood, but his friends may choose for him which 'horn of the dilemma' they prefer.

"The distribution act has been opposed by its enemies, on the ground of its supposed unconstitutionality. How stands that objection? Congress, by the Constitution, has, by express grant, this power, to wit: To dispose of and make all needful rules and regulations respecting the territory, and other property of the United States. This grant of power, like many others which might be enumerated, in the Constitution, has no limitation, except the enlightened wisdom and sound discretion of Congress; and so it has always been considered and practiced upon, by every Administration, and every party since the foundation of the Government.

"During the administration of Washington, many laws were passed by Congress, and approved by him, upon the subject of the public lands, based upon the idea that the General Government had the sole, exclusive, and unlimited control of these lands. During Washington's administration, a grant of public lands was made by Congress to private individuals, without consideration. And during the administrations of all his successors, numerous donations of the public lands have been made to States, corporations, and individuals, for almost every conceivable object. Now, if we have no such power, all those grants must fail, and the title of the grantees is worth nothing. No one, I suppose, will contend for that doctrine. Well, if we have the power to give away the lands themselves, have we not the power to dispose of their proceeds? A distinguished Senator from South Carolina (Mr. Calhoun), at one time proposed to cede these lands to the States in which they lie, depriving the old States of any interest in them; yet, in his opinion now, we have not the power to divide the proceeds of the public lands among all the States of this Union, upon principles of equity and justice. Mr. King, a distinguished Senator from Alabama, said, as early as 1832, that the public lands should no longer be looked to as a source of revenue to the United States. Gen. Jackson approved the act distributing the surplus revenue among the States, and recommended that measure to Congress. And did not that surplus arise from the sales of the public lands? If that act was Constitutional, and no one doubts it, surely the act of the last session

was equally Constitutional. The distribution policy is not only Constitutional, but highly expedient, and in strict accordance with the deeds of cession, by which most of the public lands were ceded by the different States to the General Government; and also in exact conformity to the uniform practice of the General Government, from its origin to the present time. The act proposed to be repealed is, at this time, of great and especial importance to the States, many of them being largely indebted, mainly for internal improvements, which they were first forced, or at least induced, to enter upon by the action of the General Government; for when Gen. Jackson vetoed the Maysville Road bill, and the policy of internal improvement was abandoned by the Federal Government, we were told that the States alone should engage in that work. In pursuance of that policy, and further stimulated by the distribution of the surplus revenue, systems of improvements were commenced, splendid and magnificent in their conception and design, but far beyond the power of the States to complete at present. The act of the last session would go far to relieve the people of the States from taxation, and to sustain their failing credit.

"In another point of view it is but just to distribute the proceeds of the public lands among the States. The great source of revenue is, and always will be, in this country, duties on foreign importations. The power to tax foreign merchandise has been surrendered by the States to the General Government; and their only remaining means of revenue is the power of direct taxation. To this repeal of the Land Bill I am opposed, not from any factious opposition to the Administration, but from an honest conviction of its impolicy and injustice.

"Mr. Chairman, there is another measure proposed by the Executive, to which, in the most brief manner, I desire to give my objections. I mean the Exchequer Board recommended to us by the President in his annual message, and submitted to us by the Secretary of the Treasury. This is neither the proper time, nor occasion for a lengthy analysis of that measure; but, inasmuch as other gentlemen have referred to it, I will be pardoned, I trust, for stating some of the most prominent objections to the plan. I am opposed to it, because it is an abandonment of our position, that Congress has the power to incorporate a National Bank, and for the truth of which position we have contended for twelve years—and at length the people, by an immense majority, have decided in our favor; because it has its origin with the President, and not with the people; because it proceeds on the great error which was so signally rebuked in the election of 1840—that it was the duty of the Government to take care of itself, and leave the people to take care of themselves, *i. e.*, the interests of the people should

be divorced from the interests of the Government. I oppose it, because of the dangerous increase which it brings to Executive influence, patronage, and power, by giving to the President a direct and irresistible control over the whole financial operations of the nation, public and private; because it combines, substantially, all the features of that monarchical, odious, and thrice condemned Sub-Treasury scheme (which brought defeat on the past Administration), together with a vast and overshadowing Government Bank, which, in the hand of a weak Executive, would be liable to great abuses, and in the hands of an ambitious, and corrupt one, would be converted into an instrument to enslave the people, and in the end would lead to the aristocracy of the purse, or to the despotism of the sword; because I believe, in its operation it would prostrate every State bank in the Union; because I can not see any possible benefit which would arise from it to those whom I represent; because its adoption will elevate the power of the President above the power of the people, and substitute his will for the will of the nation; and, lastly, because public sentiment in my district, so far as I have heard, or believe, is most decidedly opposed to the whole scheme; and I am accountable to my constituents, to whom I am under so many obligations, and not to the President, to whom neither myself nor the country owes any thing.

"Mr. Chairman, I have spoken only of the political conduct of the President and his Cabinet; of their private character I know little, and say nothing.

"Mr. Chairman, if I know myself, I do not, and have not factiously opposed the President. I would to God that his administration had been such as to have left it possible for me to have supported it. Neither are the Whig party factionists. Have we not voted for, and passed every measure recommended by the Administration, with the solitary exception of the Exchequer Board, and that most extraordinary measure, the repeal of the Land Bill? The gentleman from Virginia asks, What are the measures which the ultra Whigs of this House, as he is pleased to call us, are in favor of, and intend to support? I answer for myself, one of the humblest members of that party, that I am in favor of a Bank of the United States; that I am in favor of a tariff which will furnish an ample revenue for the National Treasury, and at the same time afford incidental protection to American enterprise and capital, American labor and industry; and I am in favor of the distribution, among the States, of the proceeds of the public lands. And, in the honest advocacy of these measures, I had rather have the martyr's deathbed of glory, than to purchase the loftiest human elevation by their abandonment. But we are told,

that unless we take whatever measures Mr. Tyler recommends, we shall have nothing, or that we can get nothing, which is the same.

"I will not, Mr. Chairman, consent to humble Congress at the feet of the Executive. I will not, by any action of mine, violate the Constitution of my country, and revolutionize the whole frame of its Government, by giving to the President, in addition to all his other great powers, the almost omnipotent attribute of national legislation. Give him the monstrous and alarming engine of political power which he now asks, and what arm shall stay, what human power resist, the swelling waves of corruption, venality, and despotism, which threaten even now to whelm in ruins the blood-purchased Government of our noble ancestors? Are the Whig party prepared to sacrifice all their claims to honor, independence, and patriotism, at the bidding of one man? Sir, I see around me those veteran Whigs who resisted the demigod of party fame in his palmiest days—the hero of New Orleans; those who looked upon the real lion in the pride of his prowess with an unblanched cheek and an eye that quailed not; and shall they consent now to receive law at the hands of any man, and, least of all, at the hands of the present Executive? Can we, with all the historic glory of our young Republic clustering around us, thus early in our history abandon our duty, our Constitution, our country? Sir, before that act of self-immolation shall be consummated, remove from this hall that proud national eagle—it is not the fit emblem for a nation of slaves; remove from these walls the portrait of that noble Frenchman who shed his blood in a land of strangers for that liberty which we trample upon; remove the portrait of the Father of his country, for bondsmen can never be its guardians. But I will not for a moment suffer myself to think that liberty shall receive its death-wound in this proud hall—

> 'We will not be the traitor slaves
> While Heaven has light, or earth has graves.'

"One word, Mr. Chairman, in relation to the intimation contained in the President's last message on the subject of a foreign war. My thanks, and the thanks of the whole country, are due to the President and to Mr. Webster, his Secretary of State, for the ability, zeal, and manliness with which they have conducted all our negotiations. I hope the calamity of war is yet afar off, but if the national interest and national honor require it, let it come; and in that event all the true friends of the country will stand together in defense of the Administration. To me it matters nothing who shall be our standard-bearer, so that he bears aloft the noble banner of the Republic.

SAMUEL C. SAMPLE.

My acquaintance with the subject of this sketch, commenced in the year 1820, at Connersville, when he became a student at law in my office. I knew him intimately while he lived. Mr. Sample was no ordinary man, plain, practical in all his acts. He represented his district in Congress with decided ability, was always at his post, among the working men of the body. At the bar, and as presiding judge of the circuit courts, he stood high, among the most efficient and able practitioners, and one of the purest judges that has graced the bench. His person was fine, his head, and forehead large, hair dark. He was taken from us in the middle of life, while discharging the duties of president of the State Bank, at South Bend, and reposes in the cemetery there. Peace to his remains!

JAMES G. REED.

Among the early citizens of Indiana, I take pleasure in naming James G. Reed. He was for many years one of the prominent Democratic politicians of the State, and held high and important offices under the General Government. I became early and intimately acquainted with him, while he was canvassing the State as a candidate for Governor. Mr. Reed was a member of the State Senate for years, stood among the very first. As a speaker he was loud, impressive, impulsive, at times eloquent. He was always fortified with his facts, and brought them to bear with all his powers upon his audience. In person he was below the common hight, but strongly formed, head large, hair and eyes coal black, complexion dark, features good. I saw him lately, in good health, looking young for his age.

JOHN VAWTER.

The journals of the Senate, and House of Representatives, in early sessions of the Legislature of Indiana, will be searched in vain for a more prominent and active member than John Vawter. He deserves a notice here as one of the strong, practical men, who aided largely in the enactment of the early laws of the State, and in the formation of society, upon that moral and religious basis so essential to its prosperity and the happiness of the people. Mr. Vawter, as a speaker, was plain, straight-forward. He always spoke to the question, not around, or about it; was heard with marked attention by his audience. He was a strong Whig, attended all the conventions, and frequently

presided over them. Mr. Vawter was a Baptist preacher, of good standing. A few years ago, I was on the cars, at Morgantown, between Martinsville and Franklin. We stopped to take in passengers. Looking out of the window, I noticed a neat brick church, and learned from a passenger that it was built and donated to the Baptists by Mr. Vawter; that he preached there now, in advanced life, when the pulpit was not supplied. Long may he live to dispense his benevolence to his fellow-citizens.

DENNIS PENNINGTON.

I SHOULD be unfaithful to the history of the early settlers of Indiana, were I to overlook the subject of this sketch. The journals in the State Library are full of the acts, in a representative capacity, of Dennis Pennington. Like John Vawter, his cotemporary, he stood among the most valuable men of the State. I first became acquainted with him when we were members of the Legislature, at Corydon, in the year 1822. He was plain, honest, firm, direct, open, frank. His mind was of a fair order, well stored with facts. As a speaker, he was strong, without any pretense to eloquence. He was a warm personal and political friend of Henry Clay, and during his life contributed his whole powers to his support. Mr. Pennington has gone, with most of his co-laborers of early Indiana, to meet the reward of the well-doer in time.

GEORGE K. STEEL.

I CAN not pass by without a word to the memory, in after times, of my personal friend, George K. Steel, of Park county. I have long considered him among the most valuable men in this State. For many years he stood very high as a member of our Legislature; frank, clear, strong, firm, honest, with a mind of no ordinary character; he was at all times listened to with close attention by his audience. The main characteristic of Mr. Steel was energy—untiring energy. He never rested—always pushed forward with his whole strength, and with all his powers. I saw him yesterday, leaving the State Fair, in fine health, in the summer of his life.

JAMES L. RUSSEY.

THE melancholy fate of my early friend, James L. Russey, of Muncie, prompts a word to his memory. Among the energetic, active, and persevering men of the State, he stood well with his neighbors and acquaintances. Soon after the fever for California gold broke out, he became infected, like many others, left his young family, and, taking his life in his hands, left for the gold region. He was a large, athletic, powerful man, in the morning of life, accustomed to out-door exertions, prepared for fatigue, and as brave a man as lived. After the usual incidents, dangers, and trials of a journey to California at that early day, he arrived with his companions in the gold regions, and commenced the operation of mining, at a rich placer, with every prospect of success before him. The country, at that time, among the diggings, was infected with small bands of Indians, who were strolling through the country in search of plunder. Mr. Russey it seems, left one day on a gold exploring expedition, intending to return in a few days. Time wore away; days, weeks, months, years passed, but James L. Russey never returned. His fate is yet uncertain; but still the better opinion is that he was killed and robbed by the Indians, and his body concealed or destroyed. He added but another to the thousands who have fallen victims to a thirst for gold, without realizing their anticipated treasure.

SIMON YANDES.

These sketches will live and be read by thousands when the author and his subjects shall sleep together in the silent tomb. This idea is my apology, if any were wanting, for speaking of those who are still in active life. The subject of this sketch has scarcely passed the spring-time of life. The summer, the autumn, the cold blasts of winter are still before him, but I can not pass him by without a word due to worth and private friendship. He was for years my partner in the practice of the law at Indianapolis. I knew him intimately and well, by weight and measure. He was one of the few men in life, upon whose word, faith, and integrity I could rely under all circumstances. Surrounded by all kinds of temptations, Mr. Yandes was one of the most conscientious men, in professional and private life, I ever knew. He was a fine lawyer, one of the most industrious and energetic of the profession. In person, he was tall and slim, over six feet high, large head, retiring forehead, light hair, grey eyes, wide mouth, large lips, rather sallow complexion, narrow chest. As a speaker at the bar, he was clear, strong, seldom eloquent; he dealt with facts and figures with power, and let fancy sketches alone. I saw him to-day in fine health, with a bright future before him.

WILLIAM C. RIVES.

Among the prominent men of the United States, the subject of this sketch stands deservedly high. I had the pleasure of an intimate personal acquaintance with Mr. Rives during the twentieth Congress, when we were members of the House of Representatives. Our associations were renewed in the Senate of the United States when we met in that body in 1837. Mr. Rives was a noble specimen of the Ancient Dominion that he represented. I am not prepared to say, that Mr. Rives occupied the high position of Virginia's intellectual giants, who filled the world with their fame in their day, but I do wish to be understood that Mr. Rives in modern times has had few equals in Virginia and no superiors. In person, he was below the common hight, but he was a model of a man; his head finely proportioned, eyes black, features fine, hair dark brown. As a speaker, Mr. Rives had few equals in the Senate, his style was nervous, emphatic. He always spoke in full earnest, his mind was of a high order, he always gave it full play, by ample preparation in advance. I thought him among the finest, and most effective orators of the Senate. He was our minister to France

at one time, stood deservedly high at that Court. I have selected for the reader, from his many published speeches, a few extracts from his speech on the subject of impressment of seamen, placing that important national question, about which so much has been said and written, on the true national ground: it will be read with profit as well as interest.

"I had supposed, that if any principle of the maritime code had been triumphantly vindicated and upheld by the labor of American statesmen, it was this—that, in time of peace, there is *no right* in any case, on the part of a foreign cruiser, to interrupt or detain the vessels of another nation upon the high seas; that a vessel of a nation upon the high seas, in time of peace, partakes of the inviolability of her territory, and that any entry on board such vessel without consent, is in the eye of the law a trespass. If a vessel, under the circumstances supposed in the message, be suspected of being a pirate, a foreign cruiser may, upon her responsibility, stop and examine her; but she does so at her peril. If the suspected vessel be really a pirate, no harm will have been done; but if on the other hand, she prove to be a *bona fide* vessel of the nation whose flag she bears, a trespass will have been committed, involving both responsibility and indemnity, according to the circumstances of the case. It would not be difficult to show that these principles have in other times—and those too, not distinguished by any peculiar favor shown to the maritime rights of other nations, been recognized in the fullest manner by the highest British authorities. In a well known case brought before him as judge, the celebrated Sir William Scott (afterward Lord Stowell) emphatically declared that he '*could find no authority that gives the right of interruption to the navigation of States upon the high seas, except that which the right of war gives to belligerents against neutrals.*' But the whole doctrine upon this subject has been stated in so lucid and comprehensive a manner, and with such self-evident reason, in a despatch of Mr. Monroe, while Secretary of State under the administration of Mr. Madison, that I can not forbear to quote here what was said by the American Government with so much weight of authority, on that occasion. In the instructions to our plenipotentiaries for treating of peace with Great Britain, dated the 15th April, 1813, the American doctrine—the matured and carefully considered result of our long discussions with that power on the subject of maritime rights—was thus closely and deliberately summed up.

"'That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each State has exclusive

jurisdiction over its own vessels. Its laws govern in them; and offenses against those laws are punishable by its tribunals only. *The flag of a nation protects every thing sailing under it in time of peace;* and in time of war, likewise, with the exception of the belligerent rights growing out of the war. *An entry* on board the vessels of one power by the cruisers of another in any other case, or the exercise of any other authority over them, is a *violation of right, and an act of hostility.*' It is incumbent upon us to maintain this principle of the law of nations inflexibly, and in its undiminished integrity. The inviolability of the deck of an American vessel on the high seas, under all circumstances, in time of peace, and in time of war, with those limited exceptions only which are established by the acknowledged laws of war as affecting neutrals—is a doctrine indissolubly connected with our national honor and security. To admit a *right* of entry on board an American vessel on the high seas, in any case in time of peace, is to surrender the principle, and to open a door for the most dangerous abuses. On this subject, we may learn useful lessons from the history of the past. In our long and bitter controversy with Great Britain respecting *impressment*, unable to find any principle of the law of nations which gave her the right to enter on board American vessels in quest of British seamen, she defended the practice under cover of a right to entry, acknowledged to exist in time of war, for a wholly different object. She said, that by the acknowledged rules of international law, we have a right to board and search neutral vessels in time of war, for *contraband and enemies' property;* and being, in the exercise of this unquestioned right, lawfully on board an American vessel, if we find British seamen there, we may lawfully impress and carry them away; though we had no right in the first instance, to go on board for such an object. This was the British argument, in justification of the impressment of seamen on board American vessels, gravely put forth to the world in the memorable declaration of the Prince Regent of the 9th of January, 1813.

"Now, Mr. president, if, contrary to the whole current of doctrine and authority by which we have been heretofore guided, on this subject of maritime rights, we yield a *right* of entry into an American vessel in time of peace in any case, upon the plea of suspected piracy or any other—do we not afford a cover, under which Great Britain, if her pride or policy should dictate, may be emboldened to renew her claim of impressment, even in a time of general peace? She might well say (after the formula of the Prince Regent's declaration), that being *rightfully* on board, upon suspicion of piracy by your own admission, and finding there those we claim to be our seamen, we will

impress them, in the name and by virtue of that natural allegiance which our laws declare to be permanent and unchangeable, and which is due in peace as well as war.

"Of all the pretexts for the violation of our flag, the loosest and most susceptible of abuse in practice, would be the plea of suspected piracy. What are the external *indices* of a pirate? A *low*, *long*, *black-looking* vessel, we are told; and, under this description, every Baltimore schooner would be subject to be boarded and overhauled. In what, in the modern use of language, consists piracy itself? In the plastic hands of diplomacy and power, nothing is susceptible of a greater variety of protean shapes. We can not have forgotten, that in a solemn official communication which the late British Principal Secretary of State for foreign affairs (Lord Palmerston) caused to be addressed to this Government, in justification of the destruction of the Caroline, within the limits of our territory, the citizens of the United States who took part with the inhabitants of Canada in the late insurrection in that province, were gravely characterized as '*American pirates;*' and an elaborate argument from Mr. Webster was necessary to prove that this application of the term was not proper. In the discussions which took place between the same Minister and our Representative in London, on this very subject of the right of visit, he habitually denominated vessels supposed to be engaged in the slave trade, as 'slave-trading *pirates;*' and he repeatedly and emphatically appealed to the denunciation of the trade as *piracy* by the laws of the United States.

"It is easy to foresee therefore, how, under an admitted *right* of visit, and *search* also, according to the message, upon suspicion of piracy, with a little of the dexterity and boldness of diplomacy in the use of language, the whole of our growing and important commerce on the coast of Africa, might be driven from those seas by insupportable vexations. The only security to the rights of American navigation on the ocean, and for the honor of our flag, is to adhere inflexibly to the doctrine which was maintained by our fathers, and which has been delivered down to us from the great oracles of public law in Europe and America—that in time of peace there is *no right* in any case whatever, on the part of a foreign cruiser, to enter and detain on the high seas (whether under the name of visit or search), a vessel which bears our national flag; by which, of course is meant the legitimate and *bona fide* flag of the United States."

PACIFIC RAILROAD.

Abstract of the speech of the author, at the St. Louis Railroad Convention in October, 1849, Judge Douglass, President.

Mr. President, I listened with all the attention due to the subject, to your opening speech, and also to the able speech of Col. Benton, yesterday. I am complimented by the request of the convention that I should take the main stand, showing a disposition to hear me. This is a great national question, and involves the practicability of building a railroad that shall be for all time the connecting link, inland, between the Atlantic and Pacific oceans. This question being settled, we come to the minor questions, whether there shall be more than one road constructed, at which point shall the Eastern terminus be, and how the means shall be raised to construct the work. I desire to address a few remarks to the convention upon these questions; and, first, Mr. President, let me say a word upon your suggestion that to avoid Constitutional difficulties, the commencement of the work should be in one of our territories, beyond the States of Missouri, Iowa, and Wisconsin. This is assuming that the road will be built, as a Government road, or under authority of the General Government, and that there is no Constitutional power to construct it in the States; and, therefore, to secure the power, the road must be made through territories exclusively, if this position is maintained. If this road can not be placed on national grounds, so as to relieve it from all Constitutional objections, it at once ends the question, and all argument in favor of its ever becoming a national work. It drives it from Congressional action, and leaves it to private associated enterprise, like all the other works in the States; for it is very clear that it requires as strong an exercise of Constitutional powers to keep up, and run the road, and take tolls, after the road is built, as it does to construct it in the first place; and it is equally clear that to commence the road in a territory will not relieve it of the difficulty, as these territories will soon be States, and if the State sovereignty shall strike down the arm of the Government, for the want of Constitutional power in the Government to uphold it, the question is settled. It never should be undertaken by the Government. This is a question that has divided the Statesmen of the United States. I have held, that wherever the main question is settled, that the work is of national importance, the power of the Government to construct it, under the enumerated Constitutional powers, follows as much as to build a light-house, establish a post-road, or a military road, in a State. Having said thus much, Mr. President, on the question of power on the part of the Govern-

ment to construct the work, if it shall be of a national character, I proceed to say something on the other questions involved.

It seems to me but as yesterday that the Eastern press announced the completion of the then wonder of the age, the Pennsylvania Mauch Chunk railroad. Far and wide was the news spread, and thousands from every part of the country came to see the first railroad ever constructed in the United States. The road was about eight miles in length, built upon an inclined plane, without cross-ties, heavy cast-iron chairs, a foot apart, bolted to rocks; cars holding six passengers, drawn up the grade at the rate of two miles an hour by mules, to be returned in the cars of the down train. The idea of steam engines had not then entered into the brain of any one as a propelling power on land.

From this embryo idea have the railroads of the United States progressed, until we have more miles of railroad than all the world besides. We now have seventeen thousand eight hundred miles of first-class roads, costing over five hundred millions of dollars, and traversing twenty-three States, in full operation, while the railroad spirit is pushing its enterprises into every part of the nation. In lieu of the six-passenger car drawn by mules, at the rate of two miles an hour, we now have lightning trains with their thousand passengers propelled by their flying locomotives.

From the mere local operations of that small beginning, our railroads have already passed the barriers of the Alleghanies, the Ohio, and the Mississippi, and are soon to connect the Atlantic with the Pacific, almost annihilating time and space, and binding the States together in bonds of common interest as durable as the Union—but a few years ago a band of pilgrim exiles on a rock-bound coast in the New World; now, a mighty nation, whose flag floats in every commercial port, whose fame fills the world, and whose temple is dedicated to the true and living God.

The great valley of the Mississippi, whose fertile soil, if properly cultivated, would feed the inhabitants of the globe, is rising in wealth, population, and power at a rate unparalleled in the history of our race, giving conclusive evidence that it is yet to contain a more dense population than any other part of the earth. Where the bread is, there will be the mouths to eat it. Indiana, with a population barely enough to be admitted into the Union as yesterday, now numbers over a million and a quarter. From a western frontier State, she now occupies the central portion of the nation; from a single delegate in Congress, she now has eleven representatives; and from being without a single mile of railroads, she now has some twelve hundred miles in full

operation, and others in process of construction. Such was her beginning, and such has been her progress. How greatly have the relative positions of that State changed within a few years. A very short time since, the valley of the Mississippi was viewed as our western boundary, and none were so visionary as to look further west for practicable purposes. Now that vast country on the Pacific embraced by Oregon and California—that land of gold and of promise, is rising in wealth and importance, with a rapidity without precedent in the history of the world. We in the East are united to that distant part of the Union by all the ties of common interest, common brotherhood, and a common country. It is not strange, then, that the public mind, both in and out of Congress, should be turned to the importance of a railway connection between the Atlantic and the Pacific? The ocean route around Cape Horn has long since been abandoned as too tedious, and attended with perils too great. The Panama and Nicaragua route, now principally traveled, can be tolerated only until the more direct route shall be prepared for the public. The overland emigrant route is one of great difficulty and peril. It is obvious, therefore, that neither of these routes will answer our purposes. As was to be expected, the enterprise of connecting the Atlantic with the Pacific by direct railway, has called forth the great minds of the nation. Some favor the idea of making it exclusively a national work; others of making it a joint work between the Government and individuals; others of building it by a joint-stock company. All these plans have their advocates, and while all agree as to the grand idea that a road should be built, the danger is that any work will be defeated by the number of plans and routes that will be brought forward. There are some who think that the Government will make the work, and that it is unnecessary to invoke associated enterprise. If there were no other objections to this view, the question of route alone will always defeat any efficient action of Congress in making it a national work. Many routes and many plans will be proposed. Surveys and reports will be made; politicians, great and small, will ride and fall on the hobby of a national Pacific railroad, and hopes deferred will sicken the soul so long as it remains a subject of political contention. The final result will be, that the Pacific railroad will be built just as the other great enterprises of the day have been—by associated stockholders, either with or without the collateral aid of the Government in the shape of lands or otherwise. In the hands of such a company, actively, energetically, and honestly engaged at an early day, a company that could command the confidence of the public at home and abroad, the work, however immense and however costly, can be built;

and when in operation, no human foresight can measure its importance to the stockholders and the public.

There are three routes already prominently before the country,—the Northern, or Whitney route, adopted by Governor Seward; the Missouri route insisted upon by Col. Benton; and the Southern, or Gila route, favored by Robert J. Walker, Senator Gwin, and their associates. The Northern route makes Chicago its eastern terminus; the Missouri route St. Louis; and the Southern route Memphis. All these routes are maintained by their friends, as practicable. The friends of the Southern route, however, claim for it great advantages over either of the others, in view of the mild latitude of its probable location, being so far south as to be protected from the deep snows that cover the northern mountains. They say that passes through the Rocky Mountains, on their route, with moderate elevations, can be obtained, through which the road can be constructed upon easy grades. These matters should be fully tested before any route is adopted.

The friends of the Pacific railroad are much indebted to Mr. Whitney for his untiring efforts to arouse the people of the United States to its importance. He visited the most, if not all, of the States, held public meetings, delivered able addresses, obtained memorials and petitions to Congress favorable to his plans, procured reports from committees in Congress strongly advocating his views, enlisted for a time the advocacy of the ablest presses in America, including the New York Tribune. He visited England and laid his plans before committees there with some prospect of success, and at one time it really looked as if his plan would meet the favor of the nation. But the more closely it was examined, the less favor it obtained, until at this day there are very few who openly avow themselves in its favor. The radical objection was two-fold. The first was, that its location was too far north to make it a national work; its starting point was at the Northern Lakes; the route was upon a highly northern parallel of latitude liable to be incumbered by deep snows; it passed extensive wastes between the Lakes and Rocky Mountains, uninhabitable by man, without timber, and destitute of water. Its route lay far from any traveled part of the country, and therefore the whole road to the Pacific would have to be constructed before any part could be made profitable.

These and other objections seemed to rise against the route. But the other and still more prominent and fatal objection to the plan of Mr. Whitney, was as to the inadequacy of the means with which he

proposed to construct the work. While the matter lay simply in petitions and resolutions to Congress, the cost to the people was nothing, Mr. Whitney went on swimmingly. But when the question of means was examined, the matter took a more serious turn; and here, perhaps, is the important point of all enterprises, great and small. It is not so difficult to find routes for railroads as means to build them. If Mr. Whitney's route had even met the approbation of the nation, it was easy to see that his means were wholly inadequate to the proposed end. The building of a railroad to the Pacific is a Herculean work; will require much time, and a very large amount of means—not less, evidently, than one hundred millions of dollars, and even that sum might not accomplish the enterprise. Mr. Whitney and the committees of Congress proposed that the work should be built out of the proceeds of a strip of sixty miles of the public lands on the route of the road. It was clear that the sales of the whole of the public lands of the United States, located to suit purchasers, did not exceed over three or four millions of dollars annually, upon the ground that public lands are governed by the principle of supply and demand, like other articles in the market. Then supposing Mr. Whitney to receive annually one million of dollars from his strip, it would take one hundred years to build the road out of these means, if every tie and every rail were as durable as the granite rock. The plan of Mr. Whitney does not seem to be longer urged upon Congress; yet he certainly gave strength to the idea of connecting the Atlantic with the Pacific by railway, and caused thousands to investigate the subject who otherwise would never have looked into it. I take pleasure in referring to this pioneer Pacific-railroad man, and in commending his zeal and untiring efforts to those who shall follow in that great enterprise.

I am favorable to a single road to the Pacific, to run through the South Pass of the Rocky Mountains, branching on the Pacific side to San Francisco and Oregon City, with branches on the Atlantic side from Memphis, St. Louis, and Chicago, uniting at or near the mouth of the Kansas. Such a line, with such branches, if as practicable as to grades, snows, and other obstructions, I believe, would be of a more national character, and accommodate more of the Atlantic States than any other.

The question of means to construct this great work, is still of th highest importance. It has been already observed that this can never be solely a political road; but it does not follow that if a private stock company should take hold of the work in a spirit of faithful

determination to construct it, Congress should not give at least as much incidental aid as has been given to other works in the States. Are the United States less interested in the construction of the Pacific Railroad than in the works they have already aided by grants of public lands? Most assuredly not. Indeed it may be assumed, that were there no Constitutional objections; no questions of route; no questions of precedent, this great enterprise would demand the immediate action of Congress in its construction. No work of the kind, in this or any other country, has ever been so important to the whole nation. No work so essential in times of peace or war. If constructed, it would at once become the great artery of the nation, through which would flow the life-blood of commerce. It would become the import channel for the transportation of our great mail from the Atlantic to the Pacific. It would afford the most rapid possible facilities for throwing our army and munitions of war into the distant parts of the Union, in cases of sudden emergency. It would add immensely to the value of the public domain in the region of country through which it might pass. It would be the means of settling remote sections, and protecting the immigrants between the Atlantic and Pacific. It would remove, in a great degree, the dangers to our citizens of traveling by other routes from the Atlantic to the Pacific; and, above all, it would bring the remote States of the Union into the same neighborhood, remove all inducements to a separation, and perpetuate the Union for all time. Such would be some of the advantages of the road to the nation: there are others of scarcely, if any, less importance.

The commerce of the United States is completely severed — not only internally, but externally. There is no common intercourse between the States. The Atlantic and Pacific sections must remain as foreign nations to each other, until a direct avenue of connection is opened between them, the effect of which will not only be to unite them together in commercial relations, but to draw to them those nations with whom they are separately united by commercial ties. The islands of the Pacific, China, and Japan will follow Washington, Oregon, and California, with their commerce through the direct channel to the Atlantic cities; and England and France will meet them there, and, in turn, pass through the great highway to the shores of the Pacific. It requires but a single glance at the map to see, that whenever this great thoroughfare shall be opened across the United States, it must become, like the ocean, the highway of nations, connecting, not only the Atlantic with the Pacific, but Europe with Asia,

by a direct and much shorter route than was ever dreamed of by modern navigators. If this be so, then indeed are the United States more deeply interested in this great enterprise than in any and all others that have received their countenance and regard; and may it not be hoped, that the high importance of the work may call forth so united an expression on the part of Congress, favorable to such collateral aid in the grant of lands contiguous to the line that may be adopted, as to enable a company, with the stock that may be obtained, to construct the work? This road will have to be built in continuous sections, from the eastern and western terminus, carrying forward the materials over the finished sections, populating the country, and making the road profitable to the stockholders as it advances, until the ends shall meet, and the whole line be thrown open to the world.

The influence of our railroads upon the wealth and prosperity of the nation admits of no estimate; it may be safely said, that we are in advance of where we would have been without them, more than fifty years; and that the increase in value of the real estate within the direct influence of their operations, is more than three hundred fold.

The number of miles of railway now in operation upon the surface of the Globe, is 35,264; of which 16,180 miles are in the eastern hemisphere, and 19,084 miles in the western: and which are distributed as follows: In the United States, 17,811 miles; in the British Provinces, 823 miles; in the island of Cuba, 359 miles; in Panama, 31 miles; in South America, 60 miles; in Great Britain, 6,976 miles; in Germany, 5,340 miles; in France, 2,480 miles; in Belgium, 532 miles; in Russia, 422 miles; in Sweden, 75 miles; in Italy, 170 miles; in Spain, 60 miles; in Africa, 25 miles; and in India, 100 miles. The longest railway in the world, is the New York Central, which is 621 miles in length; the number of miles of railway in the United States, exceeds the rest of the world by the amount of 358 miles. The total number of railways completed, in the United States, is 264; the number in course of construction, is 134; the number of miles in operation, is 17,811, which have been constructed at a cost of $508,588,038; the number of miles in course of construction, is 12,898. The average cost of the railroads of the United States, per mile, has been only a fraction over $28,000; there were opened in the United States, in the year 1851, 1,278 miles; in 1852, 2,282 miles; and in 1853, 3,964 miles.

The estimated cost of the Pacific Railroad, is one hundred millions of dollars. This appears at first blush to be an enormous sum for a single work, but when we reflect that we have already built

more railroads than all the world beside, and that the Erie Railroad alone cost nearly the one-third of that sum, and then take into consideration the magnitude and importance of this work, and that it will enlist in its construction the capital of Europe as well as America, the question would seem to be no longer debatable, whether or not it can be constructed, by the right kind of men using proper energy at the proper time. The work will have two important advantages over ordinary roads. It will not have to meet the hypocritical cry from persons interested in completed works, that we are building too many railroads, and the heavy cost of its construction will protect it from any rival work for years, giving it the direct business overland between the oceans.

I would like, Mr. President, to say something upon the question of route, noticed by Col. Benton, but I see the Committee on Resolutions are coming, and I will not longer occupy the stand. I am greatly obliged to the convention for the courtesy of a hearing.

CALEB B. SMITH.

Few men in the West have filled a larger space in the public eye than the subject of this sketch. One day I was sitting in my office at Connersville, when there entered a small youth, about five feet eight inches high, large head, thin brown hair, light blue eyes, high, capacious forehead, and good features, and introduced himself as Caleb B. Smith, from Cincinnati. He stated his business in a lisping tone. He had come to read law with me, if I could receive him. I assented to his wishes, and he remained with me until he was admitted to practice, and commenced his professional, as well as political career, at Connersville. He rose rapidly at the bar, was remarkably fluent, rapid, and eloquent before the jury, never at a loss for ideas or words to express them; if he had a fault as an advocate, it was that he suffered his nature to press forward his ideas for utterance, faster than the minds of the jurors were prepared to receive them: still he was very successful before the Court and jury. He represented his county in the Legislature of the State; was Speaker of the House; twice elected to Congress from his district; stood high in that body as a member, and an eloquent speaker. He was one of the most eloquent and powerful stump-speakers in the United States, a warm and devoted Whig; was on the commission, after he left Congress, with Corwin and Payne, under the Mexican treaty; since which he has retired to the practice of his profession in Cincinnati. I saw him a few days ago, in fine health, but how changed; age had marked him visibly; his head was bald, his cheeks furrowed, his eyes sunken, covered with glasses. I give to the reader an extract from his speech upon the Constitutionality of the act of Congress, requiring Congressmen to be elected by districts. Some of the States had elected by general tickets, disregarding the act of Congress as unconstitutional.

"This is the first time, since the organization of the Federal Government, that the House of Representatives has been called upon in this manner to decide upon the Constitutionality of an act of Congress. From the decision of the House there is no appeal; its action is final, and can not be reversed. The Constitution having made each branch of Congress, respectively, the exclusive judge of the validity of the election of its own members, the question can not be presented to the judicial tribunals of the country, for their decision. It becomes us, then, to be the more cautious and circumspect in our deliberations, and the more careful of the precedent we may establish. Before we assume the responsibility of declaring an act of Congress unconstitutional and void, it should be made clear and palpable that the Consti-

tution has been violated. Should the question be one of doubt, it is our duty to regard the law as binding, and to conform our action to its provisions. Without further preliminary remarks, I will proceed to the examination of the question now before the House. The last Congress incorporated in the act to apportion Representatives among the several States, a provision that the Representatives from each State should be elected by districts, but one member being elected from any one district. All the States have complied with the requisitions of the act of Congress, and elected their Representatives in conformity with its provisions, except the States of New Hampshire, Georgia, Mississippi, and Missouri. These States have elected their Representatives by general ticket, in direct violation of the law. The House is now called upon to determine whether the Representatives thus elected in violation of the law are entitled to seats upon this floor. If the act of Congress requiring the Representatives to be elected by districts is Constitutional, it is clear they have no right to be admitted as members, and they can only retain their seats upon the supposition that the law is in violation of the Constitution. A decision of the Constitutional question is then unavoidable, as upon its determination rests their right. Much has been said during the discussion, of the relative advantages of the district and general ticket systems of electing Representatives, and also of the propriety of Congress attempting to control the action of the States upon this subject. This argument has certainly no relevancy to the subject now under discussion. When the bill containing this provision was before Congress, the expediency of the measure was a legitimate subject of argument. But having become a law, the question of its expediency is at an end. It is now recorded upon our statute-book as a law of the land, and as a law-abiding people, we are bound to yield implicit obedience to its behests, unless it is clearly in violation of the Constitution. The second section of the apportionment act of the last Congress, the Constitutionality of which is denied, is as follows:

"'*And be it further enacted*, That in each case where a State is entitled to more than one Representative, the number to which each State shall be entitled under the appointment shall be elected by districts, composed of contiguous territory, equal in number to the number of Representatives to which said State shall be entitled; no one district electing more than one Representative.'

"Had Congress the right to make this regulation in regard to the manner of electing Representatives? That clause in the Constitution under which the power is claimed, is found in the fourth section of the first article, and reads in these words: 'The time, place, and

manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, *but the Congress may at any time, by law, make or alter such regulations*, except as to the place of choosing Senators.' The power is here expressly conferred upon Congress, either to make regulations in regard to '*the time, place, and manner* of holding elections for Senators and Representatives,' or to '*alter* such regulations as may be made by the State Legislatures.'

"The position advanced by a majority of the Committee on Elections, that the act of Congress, requiring the Representatives to be elected by districts, is a nullity, because it does not define the district and prescribe all the regulations necessary to complete the election, could only have been conceived in the desperate effort to nullify an act of Congress, in the absence of any reasonable or plausible pretext to do so. That Congress has the power under the Constitution to district the States, and regulate, in every other respect, the '*manner*' of the elections, is not denied. It was never supposed, however, by those who framed the Constitution, that Congress would enter into the details in prescribing the *manner* of election. These it was undoubtedly supposed, would be left to the legislation of the States. Mr. Madison, in speaking of the action of the convention, as I have before quoted, said: 'It was thought the *particular* regulations should be submitted to the States, and the *general* regulations to Congress.' The action of Congress in this respect, is strictly in conformity with the opinion of that distinguished statesman. It aspires only to prescribe the *general* regulation, that the election shall be by districts, while the particular *regulations* of defining the districts, and the mode of conducting the elections and making the returns, is left to the States. If the States choose to elect their Representatives in conformity with the general regulations thus prescribed, and the act of Congress, '*in pursuance thereof*,' their Representatives may claim to be admitted on this floor. But if they refuse to elect in conformity to these regulations, those claiming to be their Representatives have no more right to be admitted as members of this body, than would the same number of persons elected in Canada or Texas. Should there be a continued refusal on the part of the States to conform to the regulations prescribed, Congress might be driven to the necessity of exercising more fully the power which it possesses of regulating 'the time, place, and manner' of the elections, in order to secure a representation from the States, and insure the continuance of the Government.

"It is, Mr. Speaker, unfortunate for the country that party-spirit

has attained the alarming ascendency we have witnessed for some years past. If we have reason to fear for the permanency of our Government, and the prosperity of our institutions from any cause, it is from this. The danger of *party* degenerating into *faction* is imminent and alarming. The history of the past appeals to us, in solemn and warning tones, to avoid this evil. It is the fatal rock, upon which most of the republics which have heretofore existed, have split. And can we expect to pursue the same course, and yet avoid the results which have heretofore uniformly sprung from it? Can we expect to nourish the viper in our bosom, and not feel his fangs? Let us not lull ourselves into a false security by any such anticipations. Human nature is in all ages of the world the same; and the same causes which brought destruction upon the republics of the old world, must work out the same bitter fruits with us, if not counteracted, notwithstanding all our boasted intelligence and patriotism. The hideous spirit of faction has indeed already, to a most alarming extent, been developed in this country. The rigid discipline of *party* has already, to an extraordinary degree, destroyed every thing like independence of opinion. Like the iron bed of Procrustes, it admits of no latitude and no variation from the party standard. The expansive or contracting power is applied, until the opinions of its votaries are brought to range with the party lines. Opinions of the most dangerous character and the most anti-republican tendency are advanced by party leaders, and being incorporated into the party creed, receive the cordial support of all the party adherents. I fear, sir, that the history of this country will furnish additional evidence of the truth of the remark, that the 'spirit of party is stronger than the spirit of liberty.' It sweeps over the country with the resistless power of the tornado, prostrating its institutions and sacrificing its best interest. The voice of patriotism, as compared with its powerful tones, is but as the gentle whispers of the evening breeze to the hoarse thunders of the resistless whirlwind. The laws and Constitution become as powerless to arrest its course, as the mere parchment upon which they are written. Have we not reason to believe that this spirit has given birth to the violent opposition which has been made to the apportionment act of the last Congress? For the first time in many years, the Whigs had a majority in both branches of the last Congress. The party which has been driven from power by the voice of the people in 1840, smarting under the irrecent defeat, assailed the Whig Congress with every species of abuse and vituperation. No sooner had it exercised the clear and unequivocal power delegated to it by the Constitution, to require the election of Representatives to Congress to be

made by districts, than a regular and systematic party organization was adopted to resist and nullify its action. Notwithstanding the almost universal sentiment throughout the country, of the great advantages of the district over the general ticket system of election, several of those States in which the Whig party was in the minority, while they conformed their action to the law, and laid off the Congressional districts in pursuance of its requisitions, protested against the right of Congress to make this regulation, and hurled defiance to the Federal Government.

"The decision of this question will be looked for with deep and anxious solicitude. Should this House treat this law as unconstitutional, although its decision may meet with the approbation of a strong political party, yet, sir, when the spirit of party shall subside (if in the wisdom of Providence we shall ever be permitted to see that period), and the American people shall see, and think, and act, uninfluenced by party shackles, its decision will meet with universal condemnation. Had the construction now attempted to be placed on the fourth section of the first article of the Constitution been suggested in the days of Madison, of Jefferson, and of Hamilton, it would have excited a smile and provoked ridicule; and in after times, when no interested or party feelings shall obscure the judgment or becloud the understanding, men will wonder at the delusion which could sustain such a construction."

THE TELEGRAPH.

It was in the year 1842, about 12 o'clock of the day, when I was notified in the Senate Chamber by the Sergeant-at-Arms, that Professor Morse wished to see the Senators in a committee room for the purpose of showing the operation of his magnetic telegraph. I repaired to the room at once, and found the Professor there alone. In a few minutes Senators Linn, Huntington, Merrick, Berrian, Woodbury, and Davis came in. He then proceeded to show us his invention and to point out the mode of operation. I watched his countenance closely, to see if he was not deranged, as that very morning I had been met in the rotunda by a middle-aged man with long hair hanging over his face, and as we met he remarked: "Are you a member of Congress?" "I am." "Are you as big a fool as the rest?" "Perhaps so, and perhaps not." "Do you believe any thing that you don't see?" "Yes, I have a good deal of faith." "I am the inventor of the flying fish, do you believe in that?" "I never supposed that there was any difficulty in flying; I thought the trouble was in lighting; can you light easy?" "I understand you. The question you ask is, whether I can overcome gravitation. I see you are just as big a fool as the rest of them," and he passed on. He was evidently deranged, and I looked upon Prof. Morse, and his wild talk about electricity, and the certainty of the success of his plan, in the same light, and I was assured by the other Senators after we left the room, that they had no confidence in it. There was not at that time a mile of stretched wire for telegraphic purposes in the United States. Soon after there was an operation very satisfactory between Capitol Hill and Bladensburgh, some five miles, which was followed by an extension of the wire to Baltimore, with entire success. Such was the beginning of the system of telegraphs in the United States, that has extended over the length and breadth of the land, and will ultimately, by the submerged wires, connect Europe with America, Asia, Africa, and Oceanica, annihilating time and space, overcoming all natural obstruction upon land and under the ocean, and our mighty rivers. It is not my purpose to describe the instrument, nor to trace the embryo stages of the idea that led to the perfected telegraphic wire with the battery, by which our words are carried with the speed of lightning, and the certainty of truth. The object of this sketch is to show the reader the skepticism of good minds, after full explanations on this great invention. Professor Morse was above the medium hight, well made, dark hair and eyes, large square forehead, prominent nose, wide mouth, projecting chin, hair thrown up on one side of his head, dressed plain, wore

no hair on his face. His countenance indicated deep thought and long study. His mind during the time I was with him seemed to be entirely absorbed with the telegraph. I find in the Western Democratic Review, a notice of Professor Morse and the telegraph, from which I take some extracts that will be read with interest:

"Mr. Morse acquired a vast fund of knowledge in his European tour, having familiarized himself with the best models in the world; and he quit England, in 1832, with every prospect of winning, in a few years, a splendid fame.

"Up to this period, according to the most reliable information in our possession, Mr. Morse seems not to have indulged even a remote idea of such an invention as that which has since enrolled him on the list of the first scientific men of all ages. His whole mind appears to have been occupied upon matters bearing no relation even to the subject of electricity, in any of its various modes. It is doubtless true that his reading had been so extensive, and his habits of thought so rigid and methodical, he could easily have transformed himself from a painter to a sage, but it is not in evidence that any such disposition as he afterward made of lightning was a part of his daily meditation. Indeed, if he be constituted like the generality of the votaries of the 'fine arts,' a prophetic development of his future course would probably have subjected the scientific Elijah to silent imputations on the part of Morse not very creditable to the inspiration of the former. The privilege is not allowed even to genius in this world to inspect its own elements, and read its own destiny, and it is perhaps well for mankind that it is so. Could we lift the curtain which hides our future lives, and glance hastily at the misfortunes, the vexations, and the disappointments which await us, we should be discouraged from attempting the performance even of such deeds as are destined eventually to crown us with honor. Could Prof. Morse have foreseen the trials through which he has passed, and believed that he would be called to prove to the scientific world so obvious a fact as his exclusive right of property in the magnetic telegraph, this great invention would probably not have ranked among the improvements of the nineteenth century. But we have not space to digress from our subject.

"The word *telegraph* is from two Greek words, $\tau\eta\lambda\varepsilon$ and $\gamma\rho\alpha\varphi\omega$—the former signifying 'distant,' and the latter 'write,' referring to a contrivance by which intelligence may be communicated to a distance, and generally to a method of communicating by preconcerted signals. Different names have been applied in different countries. In France, the denomination *Simaphore* is often used. Telegraphing is

almost as old as the world, having been considered a very important adjunct, in every age, of the machinery of war. Perhaps a thousand kinds of signals have prevailed among the various nations of the earth, and a history of their gradual improvement, though void of value, would not be destitute of interest. One of the most complete and simple methods which we remember was practiced by John Smith, the 'father of Virginia,' while a prisoner of war in Turkey. Most of the telegraphs of olden times consisted of boards or wooden arms, which signified the letters of the alphabet, according to the positions in which they were placed. A singular telegraph was used in France toward the close of the last century, by which intelligence was communicated, letter by letter—only sixteen letters constituting the entire alphabet. A piece of machinery of this description was in operation between the Louvre, in Paris, and Lisle, enabling the Committee of Public Safety and the combined armies in the Low Countries to communicate with each other. So great were the advantages derived even from the use of this bungling apparatus, all Europe, and particularly the British Empire, set about effecting some radical improvement. A great number of plans was proposed, which may be reduced to two classes: first, shutters, which open or close certain apertures made to receive them; secondly, arms movable on pivots. A shutter-apparatus was adopted by the Admiralty in the first Government line of telegraphs established in England, in the year 1796, between London and Dover. This machinery continued in use until 1816. In this year, it was determined to adopt the semaphores of France, which had been in use on the French coast from 1803; and, as materially improved by Sir Home Popham, they were found of very great service. Popham's telegraph consisted of two arms on one post; but, as they were mounted upon separate pivots, each could assume six different positions, and was capable of affording twenty-four signals. This apparatus, with some modifications, lasted until the introduction of the electric telegraph. The greatest facility ever attained in *signal* communication was by the method invented by Col. Paisley, of France, in 1822: 'It consisted of upright posts of moderate hight, having two arms moving upon a common pivot, each of which could be put in seven positions, and each position indicated a word or sentence. The posts were placed from three to five miles apart; but each was visible to the nearest on either side. When the arm of the first was put in a given position, the man at the second put his in the same position, and the third, fourth, etc., did the same, and a word was thus run through the line at the rate of about a mile in a second; then another word was conveyed in the same way, and then another, and

so on, till the whole message was communicated. It could be used, of course, only by day-light. There were twenty-seven of these signal posts between Calais and Paris, 152 miles; a word was conveyed through the line in three minutes, and a sentence of ten word in half an hour. There were eighty signal posts between Paris and Brest, 325 miles, through which distance a word was conveyed in ten minutes, and a sentence of ten words in one hour and forty minutes. It will be seen at once, that this mode of conveying intelligence was very expensive; it required more than eighty men to convey ten words 325 miles, and kept them occupied one hour and two-thirds. And yet it was deemed so important to be able to convey it in this speedy manner, the government of France supported them at the cost of $210,000 annually. England paid $15,000 a year to sustain 72 miles of telegraph, between Portsmouth and London.'

"Methods of telegraphic communication without machinery, have, at various periods, been devised and used in conducting military operations; and these have been found particularly valuable in time of war. One is by 'disks of wood, held by men in certain positions; another, by a white handkerchief, varied in position; another, by two small flags; and another, by stationing men in pre-arranged positions,' etc. Naval signals have been found absolutely necessary, at all times. They have consisted usually of flags, of various forms and colors, sometimes numbered in signal books. The best system of flag telegraphing is perhaps that invented a few years ago by Mr. Watson. But we must proceed at once to the consideration of the ELECTRO-MAGNETIC TELEGRAPH.

"While on his way to the United States, in 1832, upon the packet-ship Sully, a gentleman referring to the experiments which had just been made in Paris with the electro-magnet, a discussion arose in regard to the time occupied by the electric fluid in passing through a wire of a hundred feet in length. Upon the intimation that the passage is instantaneous—recollecting the experiments of Franklin—Mr. Morse suggested that the electricity could be carried to any distance, and be made a means of conveying and recording intelligence. The idea took deep hold of his mind, and before the end of the voyage he had draughted and written a plan of the greatest invention of the age. 'The electric telegraph, invented by Prof. Morse, of America, in 1837, was essentially a registering instrument, the various signals being traced on a strip of paper. An electro-magnet was so placed as to be within attracting distance of any armature fixed to the shorter arm of a lever, of which the longer end carried a pencil, projecting sidewise from it, and pressed lightly against a sheet of paper.

This paper was made to travel slowly beneath the pencil. So long as no attractive power was exerted by the electro-magnet, the pencil would continue to trace a straight line, as the paper moved onward: but on momentarily making the circuit with the battery, the armature was drawn to the electro-magnet, and the pencil, carried by the arm of the lever upward, made an angular mark, like the letter V reversed, on the paper. These angles might either be joined in groups, by rapidly succeeding completions of the circuit, or they might be separated by longer or shorter spaces of straight line. The nine digits were represented by corresponding numbers of angles, and these were combined so as to form all possible numbers. In the telegraph constructed by Morse, in 1844, between Baltimore and Washington, a different mode of recording the signals was adopted. The use of the pencil was found objectionable, from its so frequently requiring fresh pointing, and from the risk of breakage. The same arrangements were retained in regard to the paper, but it was made in its course to pass under a roller having a groove around it. The long arm of the lever carried a blunt steel point, standing out from its upper surface vertically, under the groove in the roller. When, therefore, the arm of the lever was elevated, by the attraction of the magnet upon the armature, the steel point pressed the paper into the groove, and produced an indentation. If the attraction were momentary, a depressed point was produced; but if the act were continued for a longer time, a lengthened depression was the result, as the paper was drawn on. The combinations of these two kinds of marks denoted the various letters and figures. In his first instrument, Morse produced the requisite groups of angles by means of types having as many projecting ridges, or teeth as there were to be angles. These being arranged in a frame, as required for the message, made the successive contacts with the battery, as they were drawn under the lever, or spring. Subsequently, however, a single key was used, by depressing which with the finger the circuit might be completed when necessary.'

The above extract is from the "National Cyclopædia," published in London, in the year 1850. The article may be denominated a labored attempt to prove that the telegraph is not an American, but an English invention. It will be in vain, however, to attempt to satisfy coming generations that the electro-magnetic telegraph is not the product of American genius. Wheatstone, in England, and Steinheil, in Bavaria, about the year 1837, invented telegraphs, differing from Morse's, and from each other. Wheatstone's is a very inferior one, not of the recording kind, but requiring to be watched by one of the attendants—the alphabet being made by the deflection of the needle.

That of Steinheil, though a recording telegraph, is so complicated and delicate, as to be unfit for extended lines. Wherever Morse's instrument has been carefully examined it has been pronounced the best. Already, it has been approved by most of the Governments of the old world. In 1851, at a convention held by Austria, Prussia, Saxony, Wirtemburg, and Bavaria, for the purpose of determining upon a uniform system of telegraphing for Germany, Mr. Morse's instrument, by the advice of Steinheil, was selected and declared to be superior to any other that had ever been invented. The first foreign acknowledgment of his invention was by the bestowal of a *nishan*, or order—the "order of glory"—by the Sultan of Turkey. Next comes a gold snuff-box, from the King of Prussia, containing the Prussian gold medal of scientific merit. Last, from the King of Prussia, the "Wirtemberg Gold Medal of Arts and Sciences." In 1838, Morse went to England to secure a patent in that country, but was refused, upon the pretext, manufactured by Wheatstone and his friends, that his invention had been published. The only proof which could be adduced was the publication of an extract of the New York "Journal of Commerce" in an English periodical devoted to science.

The first electric telegraph completed in the United States was erected between Baltimore and Washington, in 1844, and the first public message transmitted was the announcement of the nomination by the Baltimore Convention, of James K. Polk, as the Democratic candidate for the Presidency. More than twenty thousand miles of telegraph have since been erected in this country, and but a few years will pass until all parts of our vast domain will be bound together by iron wires.

Many important improvements have been made of late in telegraphing. Whether the system of placing the wire under the ground, or that of suspending it upon poles, will ultimately prevail, can not be predicted. The most interesting feature of telegraphing, and that likely to be attended by the most important results, is the Submarine. It has been satisfactorily demonstrated that wires may be so coated with gutta percha and other materials as to act under water. "A tube," says the National Cyclopædia, "so constructed, has been carried under the sea between Dover and Calais; and the first communication by electric telegraph was made from Cape Grinez to Dover on August 28, 1850. Tha length from Dover to Cape Grinez is 21 miles. The copper wire is one-tenth of an inch in thickness, and is inclosed in a solid cylinder of gutta percha half an inch in diameter. The entire length of wire is 25 miles, and its weight is one tun, two cwts., 1 quarter, 10½ lbs. The weight of the gutta percha is about four tuns."

The electric *printing telegraph* will, perhaps, be regarded rather more curious than valuable by genuine mechanics. The machinery is complicated, and, we believe, expensive; time, however, may demonstrate its practical utility.

The latest species of telegraphing of which we have heard, is the *Atmospheric*. It is thus described by the Washington correspondent of the Detroit "*Free Press:*" "Mr. Richardson, the inventor of the Atmospheric Telegraph, has erected a working model of his invention in the room of the Senate Committee on Pensions, where it is visited daily by admiring crowds. There is much more in this than I had supposed. Indeed, I think it is hazarding little to say that in a few years our friends, Coleman & Stetson, of the Astor House, New York, or Willard, of this city, may order a fresh salmon from your Mackinaw fishermen, and have it placed on their larder in less than ten minutes, 'alive and kicking.' It seems difficult to believe this; and yet the means by which such a result is to be accomplished are far less extraordinary, and more simple than those by which the magnetic telegraph operates, as any one will be satisfied who gives five minutes attention to Mr. Richardson's model. This model consists of a tube or pipe, having an inch bore, in which runs back and forth a plunger, or easily-sliding plug. A miniature mail bag is attached to the back end of this plunger, which, by the way, is so constructed that little or no air can pass between its edge and the inner surface of the tube. When the load has been attached to the plunger, the openings in the pipe between the plunger and the point of destination are all closed, and made air-tight. A little air pump is then applied, which exhausts the atmosphere in this part of the tube, creating a vacuum into which the plunger rushes, followed by its load, impelled by the pressure of the atmosphere in the rear. It will be seen that just so fast as the atmosphere is withdrawn from the tube, and the vacuum is created, just so fast the load will follow; and that, therefore, the precise rate of speed desired may be acquired, whether that is one mile per hour or a thousand.

"I gave the model a very thorough examination, and raised every objection I could think of; but the inventor has a perfectly satisfactory argument in reply to every objection, and I really can not see why the heaviest mails and all express matter may not be carried with perfect certainty and ease, and unheard-of rapidity, by means of this invention. A company has already been formed, I understood, for the construction of one of these telegraphic lines, with a tube two feet in diameter, between Boston and New York. The

experiment has already been tried with a tube a mile long, and with perfect success."

Professor Morse still indulges the idea of returning to his old profession—painting; so much of his time, however, will necessarily be devoted to the business to which he has given so much attention for twenty years, an opportunity will probably never arise for him to gratify his ardent wish to become once more associated with the beautiful and classic models of Italy and the Louvre. We only do him justice when we assert that he is one of the most intellectual and refined characters of the age. His genius, or his learning, alone, would constitute him an ornament to the proudest galaxy of literary and scientific men, in the world; and it is with pride and pleasure we claim them both as the property of our country. The period is near at hand when the universal voice will pronounce in his favor, and when the miserable pretenders of Great Britain that have attempted to usurp his honors, will sink to merited oblivion.

Professor Morse resides at Locust Grove two miles south of Poughkeepsie, on the banks of the Hudson.

RAILROADS OF INDIANA.

As the prosperity of our State is so intimately identified with our railroads on the one hand, and the success of our railroads for all time is so closely and inseparably connected with the prosperity of the State on the other, I have thought it proper to occupy some space in the consideration of our railroads, and their effects upon the future growth and prosperity of Indiana.

In order to understand and appreciate the effects of our railroads upon every branch of industry and production, as well as upon the value of real estate, it is necessary to look at the geographical position of the State, the character of the country, the quality of the soil, the climate, the mineral wealth to be developed, the susceptibility of the lands to cultivation and improvement, the kind and extent of local productions, the natural facilities in aid of commerce, and products, and whatever may tend to the prosperity of the State, and the success of her public improvements.

Indiana is bounded on the east by the State of Ohio, on the north by the State of Michigan, on the west by the State of Illinois, and on south by the Ohio river. She is 276 miles in length, by an average width of 142 miles; contains 33,803 square miles, or 21,637,760 acres. She is situated between latitudes 37° 51′ and 41° 46′. She contains ninety-one counties; was admitted into the Union in the year 1816, with a constitution prohibiting slavery. The general features of the State are level, or slightly undulating. There are no mountains or high hills in the State, except the hills that fringe the Ohio river. The general soil of the State is composed of rich river-bottoms, timbered uplands and prairies, adapted to all kinds of grain and grasses grown in this climate. The State is entirely free from surface stone, and the wild lands are generally well timbered with oak, poplar, walnut, hickory, beech, and sugar upon the uplands; and with sycamore, walnut. hackberry, and elm, and an undergrowth of pawpaw, haws, and grapevines on the first bottom. The whole soil may be said to be easy of cultivation and eminently productive. The State is well watered with living springs and running streams, mostly over pure gravelly beds, abounds in mineral wealth, of iron, coal, building rock, fire clay, and salt springs. The staple products of Indiana, as best adapted to the climate and soil, are wheat, rye, corn, oats, barley, buckwheat, tobacco, potatoes, flax, hemp, and garden products, fruits of all kinds, cattle, horses, mules, hogs, sheep, and indeed whatever

the climate and seasons will mature, the soil will abundantly produce, if properly cultivated. In a word, Indiana yields to no State in the Union in point of soil, timber, water, rock, mineral wealth, and general productiveness.

The character of the State, of her institutions, and the healthiness of her climate, may be inferred from the constant and rapid increase of her population. In 1800, she contained 4,875 inhabitants; in 1810, 24,520; in 1820, 147,178; in 1830, 195,853; in 1840, 685,-866; in 1850, 988,416, and at this time not less than 1,500,000. The progressive improvements have fully kept pace with the increase of population, and at no former period have the manifestations of the onward march of the State to that high destiny that awaits her, been stronger than at present.

The value of taxables of the State, as appears by the report of the Auditor for the year 1855, was $301,858,474. The Auditor estimated that a new valuation at that time, would probably have given $380,-000,000. At this time, in round numbers, we may safely set down the taxables of the State at $400,000,000. The product for the year 1855 was, wheat 6,658,952 bushels; corn, 34,811,902; oats, 8,041,-919; rye, 226,559; potatoes, 1,170,290; horses, mules, and asses, 304,028; cattle, 798,419; sheep, 882,797; swine, 2,668,572, and this with not one acre in ten of the State in cultivation, and not one acre in twenty properly tilled.

Without designing to raise and agitate the vexed question of slavery, as a State institution, it will not be out of place to say, that the growth and prosperity of Indiana, from the wilderness of her territorial condition, has been owing mainly to her free constitution, and the consequent character of her population. The grand secret of which is, that free white labor is honorable, bringing into the field of enterprise, the active and persevering industry of the Anglo-Saxon race, and holding out inducements to the hardy and industrious laborers of foreign countries, to make Indiana their home, where, from the freedom of her institutions, the equality of her citizens, the salubrity of the climate, the fertility of her soil, the facility of her communications with the markets for their surplus products, they are insured health, comfort, and happiness by their own industry.

Indiana may be called an inland State; for although she is washed on the north by Lake Michigan, on the south by the Ohio river, and on the west by the Wabash river, yet no navigable waters penetrate her interior. She combines all the elements essential to the success of railroad operations. Lying across the track of all the railroads connecting the eastern Atlantic States with the Valley of the

Mississippi, and the still further west to the shores of the Pacific, her railroads must ever continue to do a heavy, thorough business, increasing from year to year, as new roads are added to those already built, extending the lines of travel and business into new and more distant fields; while the vast productions of the State, as her resources are developed by railroad facilities, must, at all times, furnish heavy and profitable local freight for the cars.

It is a matter of regret that while we have in the United States more miles of railroad than all the world beside, even to this day we have no connected chains of railroads uniting the North and East with the South, in the valley of the Mississippi, but still rely upon the tardy movements of steamers, running only when the rivers are open and at navigable stages, and then contending against rapid currents and obstructed navigation. Our railroad enterprises have been mostly constructed upon the same parallels of latitude, where the fruits ripen at the same time, forbidding an exchange of the same kind of products, for the use of the consumers. But the time is coming when New Orleans, Mobile, Pensacola, Augusta, Charleston, and Galveston will be connected with Chicago, Detroit, Buffalo, and Cleveland, through the capital of our State, by iron rails. When Indiana will be on the great railroad highway between the North and the South, as she now is between the East and the West; when the rapid transit of the flying cars will exchange the tropical fruits of the South for the more substantial products of the North. The citizens of the devoted cities of the South, in times of epidemic, like those that visited New Orleans a few years since, when commerce bent her sails for happier ports, when the silence of death reigned unbroken, except as the sound of the lonely hearse was heard, carrying to the grave the recent dead, will have rapid facilities to migrate from the presence of disease and death, to the healthy North. The railroad system of the United States will never be complete until the Northern Lakes and the Southern Gulfs, the Atlantic and the Pacific, are united by unbroken chains, and rapid transits.

For the information of persons seeking homes in this great valley, and who would prefer locating near railroad facilities, it may be proper to say something of our railroad system, and of our roads, more in detail. Indiana has not, like Illinois and some other States, received the patronage of the General Government in the shape of lands to aid in the construction of her railroads. Still we may claim for our associated enterprise, perhaps, as much credit as any other State in the Union. Much, very much, has already been done for the State by the construction of railroads by private capital and enter-

prise, while much more remains to be done. The city of Indianapolis, the capital of the State, is located within five miles of its geographical center, in the midst of one of the most beautiful and fertile regions of the West; contains 25,000 inhabitants; the country, for one hundred miles in diameter around the city, may be termed an improved plain, admirably adapted to the construction of railroads in every direction,—so much so that Indianapolis and our railroads present upon the map, an appearance not unlike the hub and spokes of the wheel of a wagon — the roads, like the spokes, running from the center to the circumference in every direction. The city is surrounded on three sides—the East, the South, and the West—by what is called the Union Track, under the charge of a central company, composed of the presidents of all the roads centering at the capital. Near the center of the city on the south side, the Union Passenger Depot is located, 420 feet in length, by 100 feet in width, with five tracks inside, handsomely lit up with gas by night. All the passenger trains of all the roads receive, discharge, and interchange passengers in this central building. The time each train leaves is shown by a stationary Director. Tickets for all the roads are sold at the office by a single person, who expresses no preference for any particular route over another. The entering and leaving of the trains are regulated by the superintendent of the station, and they move in and out with the regularity of clock work at the precise time. The freight depots of the several roads are located on their own tracks, and the trains switch on and off the Union Track as required.

This central railroad system, which for simplicity and convenience, especially to the traveling public, may challenge the admiration of all, was devised, planned, and carried into effect by myself, as president, Austin W. Morris, treasurer, and Thomas A. Morris, chief engineer of the Bellefontaine, John Brough, president of the Madison, and Chauncey Rose, president of the Terre Haute railroad companies; Thomas A. Morris being the chief engineer in the construction of the track and buildings. The other railroad companies subsequently came into the central arrangement, which is found to work admirably.

The roads completed at this time, forming radiating lines from the common center, are the following:

The Terre Haute and Richmond, running from Indianapolis to Terre Haute, through the counties of Marion, Hendricks, Putnam, Clay, and Vigo, seventy-three miles in length, connecting with the Alton and Evansville roads.

The Madison and Indianapolis, running from Indianapolis to

Madison, through the counties of Marion, Johnson, Bartholomew, Jennings and Jefferson, eighty-six miles in length, connecting with the Ohio River.

The Jeffersonville and Indianapolis, running from Indianapolis to Jeffersonville, over the Madison road to Edinburgh, thence through the counties of Johnson, Bartholomew, Jackson, Scott, and Clark, one hundred and twenty miles, connecting with the Ohio River.

The Indianapolis and Cincinnati, running in this State from Indianapolis to Lawrenceburgh, through the counties of Marion, Shelby, Decatur, Ripley, Franklin, and Dearborn, ninety miles, connecting with the Ohio River, and the Ohio and Mississippi road to Cincinnati.

The Indiana Central, running from Indianapolis to Richmond, through the counties of Marion, Hancock, Henry and Wayne, seventy-five miles in length, connecting with railroads to Dayton and Cincinnati.

The Indianapolis, Pittsburg and Cleveland, running in this State from Indianapolis to Union, through the counties of Marion, Hancock, Madison, Delaware and Randolph, eighty-four miles; connecting with roads to Cleveland, Pittsburg, Columbus, Dayton and Cincinnati.

The Peru and Indianapolis, running from Indianapolis to Peru, through the counties of Marion, Hamilton, Tipton, Howard and Miami, sixty-five miles, connecting with the Wabash and Erie canal, and the Wabash Valley Railroad.

The Lafayette and Indianapolis, running from Indianapolis to Lafayette, through the counties of Marion, Boone, Clinton and Tippecanoe, sixty-five miles; connecting with the Wabash and Erie canal, and the Wabash Valley, and New Albany and Salem Railroad.

These roads have extensive connections between their termini, with other completed cross and intersecting lines. Indeed, directly and indirectly the whole of the railroads in the State, unite and center in the great Union Passenger Depot at the Capital, giving an interchange of passengers daily, of not less than 4000 between the trains.

I have only named specially, the lines of roads that run their trains directly from the center of the system. It remains to notice those that pass through the State in other directions.

The Ohio and Mississippi, running directly from Cincinnati to St. Louis, enters the State near Lawrenceburgh, at the great Miami, runs through the counties of Dearborn, Ripley, Jennings, Jackson, Lawrence, Orange, Martin, Davies and Knox in this State, 155 miles;

connecting within the State with several roads running directly to Indianapolis.

The New Albany and Salem, running from New Albany on the Ohio river, to Michigan city on Lake Michigan, through the counties of Floyd, Clark, Washington, Orange, Lawrence, Monroe, Owen, Putnam, Montgomery, Tippecanoe, White, Pulaski, Starke and Laporte, 260 miles in length; connecting at its northern terminus with the lake, and the Michigan Southern and Northern Indiana railroads, and intermediately with several railroads running directly to Indianapolis.

The Northern Indiana enters the State near the northeast corner of the county of Elkhart, running through the counties of Elkhart, St. Joseph, Laporte, Porter and Lake, ninety-five miles; connecting with the Lake Shore Road east, the lines to Chicago west, and the New Albany and Salem Road, south.

The Michigan Southern enters the State in the county of Laporte, near Michigan city, runs through the counties of Laporte, Porter and Lake, forty-five miles; connecting with Roads to Chicago, Detroit and Toledo, and with the New Albany and Salem Road, and indirectly with Indianapolis.

The Evansville and Crawfordsville, running from Evansville to Terre Haute, through the counties of Vanderburgh, Gibson, Knox, Sullivan and Vigo, 109 miles; connecting at Evansville with the Ohio river, at Terre Haute, with the Alton, and the Terre Haute and Richmond Roads, and intermediate at Vincennes, with the Ohio and Mississippi Road.

The Martinsville and Franklin, running through the counties of Morgan and Johnson, twenty-five miles in length; connects with the Madison and Indianapolis Road at Franklin, and with the line of the Evansville and Indianapolis projected road.

The Edinburgh and Shelbyville, running through the counties of Johnson and Shelby, fifteen miles in length; connects with the Madison and Indianapolis line at Edinburgh, and with the Knightstown, Rushville and Cincinnati roads at Shelbyville.

The Shelbyville and Knightstown, running through the counties of Shelby, Rush, and Henry, twenty-five miles; connecting at Shelbyville, with the Rushville, Edinburgh and Indianapolis and Cincinnati roads, and at Knightstown, with the Indiana Central.

The Rushville and Shelbyville, running through the counties of Shelby and Rush, twenty miles; connecting at Shelbyville with the railroads centering there.

The Richmond, Newcastle and Chicago, running from Richmond to Logansport, through the counties of Wayne, Henry, Madison,

Tipton, Howard and Cass, 110 miles; connecting at Richmond, with roads to Dayton and Cincinnati; at Logansport, with the canal and the Wabash Valley Road, and intermediately with roads running directly to Indianapolis.

The Pittsburg, Fort Wayne and Chicago, enters the State in the county of Allen, runs through the counties of Allen, Whitley, Kosciusko, Marshall, Starke, Laporte, Porter and Lake, 160 miles.

The Laporte and Plymouth, runs through the counties of Laporte, St. Joseph and Marshall, thirty miles; and connects with the Northern Indiana Road at Laporte.

The Wabash Valley, from Toledo to St. Louis, enters the State in the county of Allen, and runs through the counties of Allen, Huntington, Wabash, Miami, Cass, Carrol, Tippecanoe, Fountain and Warren, 175 miles.

By the foregoing, which is believed to be substantially correct it will be seen that there are six hundred and fifty miles of railroads, running through thirty counties, that connect directly in the central Union Passenger depot at the capital: and other twelve hundred and nine miles, running through thirty six counties connecting with these railroads, showing that we have eighteen hundred and fifty miles of railroads, giving facilities to sixty-six counties, leaving twenty-five counties to be yet supplied by roads in process of construction or contemplation. These are the counties of Posey, Warrick, Perry, Dubois, Spencer, Pike, Crawford, Harrison, Brown, Switzerland, Ohio, Fayette, Union, Jay, Blackford, Grant, Wells, Adams, De Kalb, Noble, Steuben, Lagrange, Fulton, Jasper and Benton; and of these the counties of Posey, Warrick, Perry, Spencer, Harrison, Crawford, Switzerland and Ohio, lie on the Ohio River.

The following roads are in process of construction and are more or less advanced. *The Indiana and Illinois Central*, connecting the capitals of these States by a direct line, running through the counties of Marion, Hendricks, Putnam and Parke, sixty-five miles. This will be an important road when completed, to the central railroads, as well as to the capitals of these States.

The Evansville, Indianapolis and Cleveland Straight Line running through the counties of Vanderburg, Warrick, Gibson, Pike, Davies, Greene, Owen, Morgan, and Marion, one hundred and fifty five miles. This road when completed must prove very important to the railroad systems of the center, as well as to the capital, and the city of Evansville.

The Junction running through the counties of Union, Fayette, Rush, Shelby, Hancock, and Marion, eighty miles to the capital. This road

will be important, especially to the country through which it runs, one of the best in the State.

The Cincinnati, Union and Fort Wayne running through the counties of Randolph, Jay, Adams, and Allen, sixty-five miles. This road is designed to form a connecting link between the railroads centering at Union, with those running into Forte Wayne, and as such must become important, as it runs through a fine country.

The Marion and Mississinawa Valley, running through the counties of Randolph, Delaware, Grant, Wabash and Miami, ninety miles. This road is intended as a connecting link between the roads centering at Union, and those intersecting at Peru, and must prove a good line, as besides its through business, its local freights will be heavy, the Mississinawa Valley being highly productive.

The Fort Wayne, Winchester and Richmond. The line of this road runs through the counties of Wayne, Randolph, Jay, Wells and Allen, one hundred miles, and is designed to be a direct line from Fort Wayne to Cincinnati. When completed it will be a valuable road to the country through which it runs, and must do considerable through business.

The Fort Wayne and Southern, running from Fort Wayne through the counties of Allen, Wells, Blackford, Delaware, Henry, Rush, Jennings, Jefferson, Scott, and Clarke, two hundred and twenty-five miles. The design of the projectors of this line was, to connect Fort Wayne with the city of Louisville, running through the county seats of the tier of counties named to Jeffersonville, and there tunneling the Ohio river to Louisville. The work of grading has been for some time in progress on the south end of the road.

Companies have been associated under our general laws to construct other projected roads, but the change of times, the stringency of money matters, and the great difficulty of making negotiations, have, at least for the time being, suspended operations upon them, perhaps to be resumed at a more propitious time, as it is said that railroads are like

> "Freedom's battles once begun,
> Bequeathed from bleeding sire to son,
> Though baffled oft, are ever won."

I have said enough to show that the railroads of Indiana must, for all time, be closely identified with the prosperity of her citizens, and that there must ever be reciprocal relations between their interests and those of the State, requiring liberality and diligence in all that concerns their relations.

It may not be improper here to give the instructions of Judge McLean to the jury, in a recent case in the Circuit Court of the Uni-

ted States, involving the liability of a railroad company for injuries to a passenger, by the overturning of the cars, running over an ox at night, unseen by the engineer. The judge said: "The proof of no want of diligence and care lies on the railroad company; that the accident being proved is *prima facie* evidence of negligence; that the company were bound to know that their roads and running machinery were in good repair; that the utmost care and caution are required of the railroad company running cars, to excuse accidents; that every one, who has any thing to do with the running of trains, must be at his proper place, faithfully and diligently doing his duty, with every possible care to insure the safety of passengers, or the company will be liable for accidents; that every person that travels in the cars must, necessarily, run some risk, as the company are not insurers against all sorts of accidents, under all circumstances, but are bound to the highest degree of diligence and care possible; that if the ox that threw the cars off the track, could have been seen, and guarded against by the utmost foresight and care on the part of the engineer, it was negligence on his part not to do so; but if no human prudence, or care, could have avoided the accident, the railroad company will be excused."

At a time in the history of the country when the public mind is much agitated about new sections of the West, as the better selection for settlement and cultivation; when the vast regions, extending west of the Mississippi to the Rocky Mountains, and still further to the Pacific Ocean, are being explored by the hardy and industrious emigrants from the Eastern States, as well as from foreign countries, with a view to settlement, we may be excused for directing the eye of such emigrants to our State, as affording greater advantages for the cultivation of the soil, than can be realized in any section of country, west or north of the Mississippi. The soil of the State, in fertility is equal to that of any other section of the Valley. The State lies much nearer to the great markets of the world, than the country west of the Mississippi—and the cost of transporting the products is consequently much less. The State is a finely-timbered country, well watered with living springs and running streams. Owing to the fact, that the best part of the State lies south of the great thoroughfare of travel from the East to the West, and that until recently we have had no railroads running across the south part of the State, our lands have not advanced in price with the North, and at this time may be bought for settlement lower than lands of like quality in Kansas, Nebraska, Minnesota, Iowa, or Wisconsin, with infinitely greater advantages for settlement.

ELIAS HICKS.

In Jericho, Long Island, in the year 1812, there stood a very plain two-story frame house; a door and two small windows below, three windows above, three windows in the end, one chimney, a frame kitchen with one door, two windows below, and two above, one chimney. This I learned when I was there, was the residence of Elias Hicks, the supposed founder of that sect of the society of Quakers or Friends, known to the country as Hicksites, as distinguished from the other sect in the division called Orthodox. The religious society of Quakers, or Friends as they called themselves, arose in England, under the preaching of George Fox, a man of solemn piety, and great power as a preacher; like all reformers, his zeal knew no bounds. He took no pay, but looked for his reward alone to his Maker, with a religious confidence and courage that disarmed persecution, and even martyrdom at the stake of all their terrors. The sect withdrew from the established church of England and the other sects, and formed a society of their own. They entirely discarded the priesthood, and all the church forms of worship, of other sects; they believed in a direct intercourse between the spirit of God and the spirit of men, and rejected as of man, all preparatory studies, written sermons, and forms of pulpit theology, and worship. They believed that man could not preach acceptably, but as the spirit moved, gave ideas and words, and prompted the discourse: and then women, as well as men, were authorized to preach. They wholly denied that the preacher could take pay for his pulpit services, but held that his reward was to be sought and obtained from his Divine master, as he passed through life, and at the end of his existence in another and better world. They repudiated wars, and personal violence, as anti-christian, they allowed no steeples on their church buildings. The men and women sat on separate sides of the meeting-houses, and transacted business with closed doors between them, having separate clerks, and separate records. Their dress was uniformly plain, the men wore drab-colored coats, with round-breasts, and stand-up collars, broad-brimmed hats, and white neck-cloths. The women wore plain dresses and bonnets, perfectly alike, as if all were made of the same material, over the same block. The interior structure of the meeting-house consisted of plain benches, the last three or four, gradually rising to what they call the gallery, where the preachers and elders are seated. As they increase in spirit, they take seats nearer and nearer, until at length, after a long life of consistent piety, they feel authorized to ascend the gallery, and preach as the spirit moves them, whether men or women. Their meetings often sit quiet, not a

word spoken, not a sound to break the stillness, until at length, it closes by the shaking of hands, of two of the elders in the gallery. They use no musical instruments, they never sing, they do not hold that preaching is an essential part of worship. They silently, and quietly turn the mind from the world, and commune in the spirit with the Almighty. I have been frequently assured by my Quaker friends, that the most precious meetings they ever had were held in silence. They use no priest or clergyman, in solemnizing their marriages. The whole ceremony is performed by the persons being married. The first step is what is called passing meeting; at one time that ceremony was gone through three times, in several months, as I have witnessed it, but in more modern times they let one answer the purpose. This occurs on a week-day meeting, with closed doors between the men and women. The intended husband, takes the intended wife by the hand, in the women's end of the house; they rise. He first speaks, with "Friends permission, Divine approbation, I intend marriage with Elizabeth Johnson." The lady responds, "Friends permission, Divine approbation, I intend marriage with James Simpson;" they then pass through the folding doors into the men's end, when the same ceremony is gone through, in the same words. A committee of men and women, is then appointed to attend at the house after the wedding, and see that all things are conducted orderly; music and dancing are prohibited.

The wedding day arrives; the meeting sits together to witness the ceremony. The intended arise, and if there is no objection, the gentleman says; "In the presence of the Lord, and of this assembly, I take Elizabeth Johnson to be my wife, and promise, through Divine assistance, to be unto her a kind, and affectionate husband, until death separates us." The lady repeats the same, promising to be a kind and affectionate wife, till death. A certificate of the marriage is then signed by the parties, the elders, and overseers of the meeting, and recorded by the clerk.

The address of the Quakers, like their dress, is plain—thee and thou to a single person, and you to a number of persons. Their graveyards present the same plainness; no monuments, tombs, vaults, are seen there—a small, rough, head and foot stone mark the graves of the rich and the poor alike, with the initials of the name roughly cut upon the headstone. They care for their own poor, as a charge upon their meeting. Some times their preachers are of that class—still none the less esteemed. There is no sect of people on earth of more industry, or of greater integrity, or honesty—their word is their bond. Avoiding the extravagances, fashions, and speculations of the times, they seldom incur debts beyond their immediate means; they move quietly

and comfortably through life, and pass to their graves without ceremony or parade.

From London this sect spread over Great Britain and North America, including the United States and Canada. William Penn, the founder of Philadelphia, and at one time Governor of Pennsylvania and New Jersey, was the great leader of the Society of Friends in the United States. Philadelphia, the city of brotherly love, was the seat of their first meetings. In my youthful days I frequently heard their great preachers—John Simpson, Henry Hull, Jesse Kersey, Hannah Kirkbride, James Simpson, John Comly, Amos Hillborn, Elias Hicks, Charles Shoemaker, Charles Osborn, Edward Hicks, Richard Mott. Their doctrines were strictly trinitarian, so far as I was capable of judging, and so remained up to the division of the society—which commencing about religious doctrines, finally led to disputes in relation to discipline and government. The dissension spread throughout the whole church, and affected even the relations of private life. It arrayed two distinct and separate parties in the society, known as "Hicksites" and "Orthodox," both of them highly respectable in point of numbers as well as character. The Hicksites contended that they were the true Friends; and the Orthodox insisted that they were the followers of George Fox and William Penn, and that the Hicksites were seceders from the original society. The Orthodox based their religious belief upon John x: 30, and kindred passages of Scripture; while Elias Hicks, and his cousin Edward Hicks, with that division of the sect, based their religious belief upon John xiv: 28, and kindred Scriptural passages.

Elias Hicks, the subject of this sketch, received but a common English education. His mind was of a very high order. As a preacher he was plain, distinct, powerful, sublime, warming and melting his hearers like the sun at noonday—his mission, he said, was that of love. His subject was often founded upon the Scriptural declaration, "God is love." When he came West, in 1828, at the age of eighty years, he preached one of his great sermons in Wayne county. He looked venerable, and old—like the ripe sheaf, ready for the harvest. His locks white, his eyes sunken, his cheeks furrowed, his chin projecting, his step feeble and slow; still he seemed filled with what he said his mission was—love to the whole human race. He returned to his home, at Jericho, Long Island, and on the 14th day of February, 1830, breathed his last, was interred there, in Friends' burying-ground, without parade or ceremony, and lies sleeping in his grave, with a small rough stone at his head, with the letters E. H. rudely cut upon it.

TOTAL ABSTINENCE.

The evening of the 25th day of February, 1842, at the Hall of the House of Representatives at Washington City, had been designated as the time and place for the meeting of the United States Total Abstinence Society. It was late before my business would permit me to go over from my room. I found the Hall filled with Members of Congress and citizens. The meeting was organized, and the opening speech made by Gov. Briggs, of Massachusetts. Dr. Sewall, of Washington City, a brother-in-law of Rufus Choate, followed, and exhibited his drawing of the human stomach under the different stages of intemperance to the death of the victim by delirium tremens. Gov. Gilmer, of Virginia, Thomas F. Marshall, of Kentucky, and Gov. Wise, of Virginia, each addressed the assembly in thrilling speeches. It was a night long to be remembered by all who were present. The engraved pictures of the stomach of the drunkard, by Dr. Sewall, presented an argument in favor of total abstinence from every intoxicating drink, more conclusive than any thing I had ever seen or witnessed. I give, for the benefit of the reader, extracts from the speeches of these distinguished men, on that highly important subject, that will be read with deep interest.

EXTRACT FROM THE SPEECH OF GOV. BRIGGS.

"The master-vice, which was checked by the first vigorous action of the old societies, again broke out in all its fury. The votaries of Bacchus began to jeer their temperance neighbors with the cry of reaction. If ardent spirits were not drank, excesses in the use of other intoxicating liquors could not be charged as violations of the pledge. Most of those societies, though established in good faith, and though for a while they succeeded in arousing the public mind to a sense of danger, have lost their efficiency, and many of them have fallen into decay. Among them the old Congressional Society, which struggled hard for existence, under the tonic influence of all sorts of stimulants, not called by the name of alcohol, at length died of that very intemperance which it was instituted to prevent. How could it have been otherwise? Who could reasonably hope for the success of a *temperance* society which held the *pledge* in one hand and a *bottle of champagne* in the other? How could they succeed? For, while they denounced 'raging strong drink' as an enemy, they welcomed the mocker as a friend. And what a friend to the cause of temperance! Alcohol is the intoxicating, poisonous ingredient which makes ardent

spirits so destructive to the human system; and yet, the wines in common use, to say nothing of the unhealthy drugs which are mixed up in them, contain from one quarter to one-half the quantity of alcohol that is found in brandy. It was *wine* which inflamed the passions of Philip's mad son, and made him strike the dagger into the heart of his best friend. The same liquor produced that last debauch which suddenly put an end to his existence, in the morning of his days, and amid the splendor of his triumphs. It is *wine* which, in the graphic language of Holy Writ, brings to those who tarry at its banquets, 'wo, and sorrow, and contentions, and babbling, and redness of eyes, and wounds without a cause.' It is *wine* which, in a more pure and unadulterated form than it is found among us, covers modern France with the desolation of drunkenness, and fills bright Italy with tears.

"Mr. Delevan, the enlightened and indomitable friend of this cause, says that, in a conversation with the King of the French on this subject, the King told him, with emphasis, '*the drunkenness of France is on wine.*' The prevalence of this vice in that country is confirmed by our own countryman, I. F. Cooper, from his own observation of its existence. The Rev. Dr. Hewitt, of Connecticut, who visited France for the purpose of learning the real facts in relation to this matter, says: 'We have heard it affirmed that France is a wine-drinking, but still a temperate country. The latter is entirely false. The common people there are burnt up with wine, and look exactly like the *cider-brandy* drinkers of Connecticut, and the New England *rum* drinkers of Massachusetts.'

"Mr. Greenough, our distinguished fellow-citizen, now in Florence, in a letter to Mr. Delevan, says: 'The use of wine in Italy produces most of the bad effects of ardent spirits as misused in our country, and is, perhaps, as being more gradual in its operation, more insidious. Several of the most eminent of the medical men are notoriously opposed to its use, and declare it a *poison*.' After stating other facts, he says: 'When I add to this, that every severe winter destroys hundreds of the aged, infants, and females, for the want of proper lodging and clothing, you may form some idea of its probable influence on their thrift and health.' Lord Acton, Supreme Judge of Rome, informed Mr. Delevan, 'that all, or nearly all, the crime of that city originated in the use of wine.' The evidences of the injurious effects of wine upon the higher classes of society in our own country, are too numerous and too melancholy to require a recital here. If the opulent and the fashionable, against the warning of the past and

the expostulation of reason, continue to use it as they have used it, hereafter many a noble genius will be brought low, and many, many a heart will be pierced with sorrow."

DR. SEWALL'S REMARKS.

"Mr. President: in seconding the resolution just offered, I beg leave to make a few remarks in support of the sentiments which it contains, and principally with a view to explain the design of the enlarged drawings of the drunkard's stomach which are before you this evening. While, sir, the effects of alcoholic drinks upon the moral and intellectual character of man have been always perpetually pressed upon the consideration of the public, and their evil consequences presented in a thousand lights, and illustrated by a thousand examples, their effects upon the physical constitution have been passed over in silence, or only slightly touched. In order to render this subject the more obvious and impressive, and to bring it up to the position which I am sure it should occupy, and especially that it may speak to the eye as well as the ear, I have, by the aid of an artist, delineated on canvas some of the principal effects of alcohol upon the stomach, as they have fallen under my professional observations and dissections—effects which invariably follow, to a greater or less extent, the habitual use of this narcotic poison. I have selected the stomach for the purpose, not because the other organs remain uninfluenced by its use (for this is not the fact), but because it is here that alcohol makes its first and strongest impression; because the healthy condition of this organ, and the due performance of its functions, are indispensable to the healthy performance of every other function; and because, too, the stomach, by the great law of sympathy, is closely connected with every other part of the system. When the stomach is poisoned, every other part feels the impression; when this organ suffers, every other organ sympathizes and suffers with it. But before I enter upon the pathology of drunkenness, I must ask your attention, for a few moments, to the anatomy and physiology of the digestive organs."

Here the Doctor gave a brief description of the digestive apparatus, explained the object of its functions, and the manner in which they are performed. During this part of the lecture, the dependence of all the other functions of the body upon that of digestion, and the necessity of preserving the stomach unimpaired, was clearly and forcibly illustrated. The Doctor then proceeded as follows:

"Upon this canvas you have eight different representations of the human stomach, delineating the principal morbid changes produced

upon the organ by the use of alcoholic drinks, in the various stages and degrees of inebriation, from that of the temperate drinker down to the lowest and last stage of debauchery and ruin. The stomach, as here delineated, is of its natural form, but enlarged to about nine times its natural capacity. It is represented as distended to its full dimensions, and then cut open by a transverse incision, so that the internal surface of the organ is exposed to view. In the first figure you have represented the inner surface of the healthy stomach, which will serve as a standard of comparison. Every deviation from this, therefore, is to be regarded as a departure from the healthy state of the organ. "The Doctor then gave a particular description of the *stomach of the temperate drinker*, and explained the cause of the change of color of the inner surface of the organ, and of the enlarged condition of its blood-vessels. He then took up, successively, *the stomach of the confirmed drunkard*, *the ulcerated stomach of the drunkard*, *the stomach of the drunkard after a debauch*, *the scirrhus stomach of the drunkard*, *the scirrhus and cancerous stomach of the drunkard*, and, finally, *the stomach of the drunkard who dies of delirium tremens*, each of which was delineated on the canvas. But this important and most interesting part of his description was not fully reported, because the substance of it is already published in his "Pathology of Drunkenness, illustrated by plates, in a letter addressed to Edward C. Delevan, Esq."

In the course of his demonstrations, the Doctor explained the principles upon which the stomach became diseased from the use of alcohol, its blood-vessels engorged, and its coats inflamed and ulcerated. He demonstrated the change from disease to health which takes place in the stomach of the reformed drunkard, and illustrated the principle upon which this change is effected upon one's ceasing to drink. He gave the physiological reason why total abstinence from all that intoxicates is the only means by which the inebriate can be reformed, and the temperate rendered secure from the vice of drunkenness. He demonstrated the safety and necessity of adopting the practice of total abstinence at once, even by the far-gone drunkard, instead of tapering off by degrees, or of winding up a life of debauchery by substituting one form of alcoholic drink for that of another. The Doctor then observed: "But it should be borne in mind that while alcoholic drinks make their first and strongest impression upon the stomach, their morbid effects are not limited to this organ; the whole of the intestinal canal participates more or less in their influence. The internal coat becomes irritated, inflamed, softened, and ulcerated, and occasionally affected with those other organic changes

delineated in the drawings of the stomach. Nor are the consequences of intemperance confined to the digestive canal alone. The distant parts of the body become in time affected also. The liver, the brain, the heart, the lungs, and the kidneys, become the seat of alcoholic influence—an influence which is transmitted to them in two ways. The first is upon the principle of sympathy; the second is through the medium of absorption and of the circulation, and the immediate action of the alcoholic principle upon the organs as it passes through them, mingled with the blood. Both may be illustrated by familiar examples. The individual who has become exhausted by labor and fasting, finds his muscular power diminished and his whole system enfeebled. Upon partaking of his food, his strength is immediately restored—restored long before his food is digested, or any nourishment can be derived from it. This effect is produced by the stimulus of the food upon the stomach, which impression is transmitted to all the other organs of the body through the medium of the nervous system, upon the principle of sympathy. The second mode, that through the medium of absorption and of the circulation, may be shown by two facts. The odor of the drunkard's breath furnishes us with one of the earliest indications of intemperance. This is occasioned by the exhalation of the alcoholic principle from the bronchial vessels and air-cells of the lungs; not of pure alcohol, as taken into the stomach, but as it has been absorbed and become mingled with the blood, and subjected to the action of the different organs of the body; and, not containing any principle which contributes to the nourishment or renovation of the system, is cast out with the other excretions as poisonous and hurtful.

"Magendie long since ascertained, by experiment, that diluted alcohol, when subjected to the absorbing power of the veins, is taken up by them, mingled with the blood, and afterward passes off by the pulmonary exhalants unchanged. The case of a drunkard is mentioned, who used to amuse his comrades by passing his breath through a narrow tube, and setting it on fire as it issued from it. But time would fail me were I to attempt an account of half the pathology of drunkenness. *Dyspepsia, jaundice, emaciation, corpulence, dropsy, ulcers, rheumatism, gout, tremors, palpitation, hysteria, epilepsy, palsy, lethargy, apoplexy, melancholy, madness, delirium tremens, and premature old age*, compose but a small part of the catalogue of the diseases produced by alcoholic drinks. Indeed, there is scarcely a morbid affection to which the human body is liable, that has not, in one way or another, been produced by them; there is not a disease but they have aggravated, nor a predisposition to disease which they have not

called into action; and, although their effects are, in some degree, modified by age and temperament, by habit and occupation, by climate and seasons of the year, and even by the intoxicating agent itself, yet the general and ultimate consequences are the same.

"But there is another principle on which the use of alcohol predisposes the drunkard to disease and death. It acts on the blood, impairs its vitality, deprives it of its red color, and thereby renders it unfit to stimulate the heart and other organs through which it circulates—unfit, also, to supply the materials for the different secretions, and to renovate the different tissues of the body, as well as to sustain the energy of the brain—offices which it can perform only while it retains the vermillion color and other arterial properties. The blood of the drunkard is several shades darker in its color than that of temperate persons, and also coagulates less readily and firmly, and is loaded with serum—appearances which indicate that it has exchanged its arterial properties for those of venous blood. This is the cause of the livid complexion of the inebriate, which so strongly marks him at the advanced stage of intemperance. Hence, too, all the functions of his body are sluggish and irregular, and the whole system loses its tone and energy. If alcohol, when taken into the system, exhausts the vital principle of the whole, it destroys the vital principle of the blood, also, and if taken in large quantities produces sudden death, in which case the blood, as in death produced by lightning, by opium, or by violent and long-continued exertion, does not coagulate."

MR. GILMORE'S REMARKS.

"I can not suppose that it is necessary at this time, or in this country, to employ arguments to prove the evils of intemperance, or the advantages of temperance. We have had to-night the experience of those who can speak of what they have suffered in one condition, and enjoyed in the other—an experience which is now not more useful to others than it is honorable to themselves. We have seen the effects of drunkenness on the physical system, as in a mirror. The human stomach is exposed in the plates before us, in all the horrible and unnatural aspects which it is made to assume by the use of alcohol; and, if we could see as plainly its effects on the brain, on the heart, on the mind, the memory, the affections, the faculties, the feelings, the character of the man, the picture would be more than mortal eyes could endure. Who that has seen the drunkard, requires proof of the effects of intemperance, on its victim and on society? He reels and staggers before you, an animated corpse, a breathing automaton, who has banished reason from her throne, and invited a demon to usurp

the place of his immortal spirit. Life has no luxury for him. Existence is a burden, which he seems scarcely able to endure for the brief space allotted to him on earth. What relief then, can he find in death —what repose in eternity? It is gratifying to turn from the contemplation of the evils of this degrading vice, and to regard the means of reformation, as well as the strongholds of defense, against its insidious approaches, which modern philanthrophy has provided.

"Conspicuous among these moral trophies of an age abounding in triumphs of 'peace and good will toward men,' stands this society which holds its first meeting in this Hall to-night. We assemble, sir, under auspicious circumstances—circumstances which warrant the hope, that a work so well begun, will be happily consummated. It becomes us, the Representatives of this great Republic, to appeal to the youth of our country, by our language and our example. The free institutions which we so dearly cherish, are founded on the hypothesis, that man is capable of self-government. We are the depositories of a very high trust, involving all the good and all the evil of government to ourselves, and to many millions of our countrymen. Self-government is the essence of freedom. Without that power of self-control which makes man the master of his own spirit, whatever his condition in life may be, he is the slave of some passion —the victim of a cruel bondage, which destroys his own independence and renders him, more or less, unfit to regulate the destinies of others. The victory over one's-self—the discipline of those evil propensities, those imperfections of our nature, which sometimes render the best of us dangerous to himself and to others; is necessary to elevate man to the true standard of freedom and independence."

HON. THOMAS F. MARSHALL,

Rose and addressed the auditory nearly as follows:

"There is no danger that a man of lofty mind, a high-spirited, well-educated gentleman, will stoop to other vices which sink and degrade humanity. He will not lie; he can not steal; he is incapable of dishonor. Death itself can not drive him to the perpetration of baseness. Poverty, want, starvation may assail him; he is proof against them all. This alone can drag his virtue down; and against it, what genius can guard, what magnanimity can shield us? Who has not seen the most towering, the most majestic sink, vanquished beneath its powers? Who has not seen genius prostrate, courage disarmed, manhood withered, before the march of this fell destroyer of all that is great and bright and beautiful. It seems, indeed, as if, with the cunning malice of tyranny, and the ambitious policy of a conqueror, this grim king

selects the loftiest victims, and from those who otherwise are formed to be the ornament and the strength of their land and race. Certain it is, that political ambition or elevation, is of itself no safeguard. I have been told, that the last ghastly spectacle exhibited to us to-night —the ruined stomach of a dead inebriate, once the living receptacle of God's good and healthful gifts, and so by him intended to remain; was part of the frame of a distinguished statesman and member of this House; a man of genius and eloquence, whose mind led once the councils of his own State, and whose voice has often resounded through this Hall, while listening thousands hung with rapture upon its accents. Look on that picture, and imagine, if you can, the horrors which must have preceded a fate like that.

"But, sir, this poison stops not with physical destruction; it is over the intellectual and moral man that it achieves its greatest triumphs. The erect form, the muscular limb, the taper wrist—Oh! how they change under the transforming touch of this monster magician. But it is not the trembling limb, the bloated body, the bleared and dimmed eye, the sluggish ear, the blotched and ulcerated skin, the poisoned breath, the destruction of strength and cleanliness and beauty, which most effectually test the power, and mark the wrecks with which the demon strews his path — it is the overthrow of the moral principle, the extinction of conscience, sensibility to what is right and wrong, charity, domestic affection; all, all that makes us men—the utter dispersion of the moral elements which hold the world together, and the entire implication of the weak and the innocent; the mother, the wife, the infant, in suffering for crimes of which they are the most wretched, yet the guiltless victims.

"These are the proudest trophies, the most splendid fruits of the victories of the wine-cup. Other vices, other crimes, leave the physical, the intellectual, the moral man capable of repentance, of amendment, and of action; but this destroys him throughout—body, mind, and conscience—yet leaves the wretch survivor of himself. Would, sir, that some of the thrilling confessions and narratives disclosed in those homely associations of ours, in a distant part of the city, could be heard by this audience, as I have heard them—the confessions and narratives of men whom the indefatigable benevolence of the Vigilant Society of Total Abstinence, has rescued from the very kennel. They are not your stately, refined, educated gentlemen, who quaff their rich and costly Madeira, old, and mild, and fragrant, and sparkling, and redolent of the true flavor of the cork—nectar fit for gods to sip, taken down bottle after bottle, from day to day, till their complexions are purple as the crushed grape whose juice they drain—

till their trembling hands can scarce conduct unspilled the fluid to their lips—till their feet are swollen and agonized with gout, while untold horrors fill the region whose ruin has been to-night laid open to our view. And yet they are no drunkards! Oh, no, no, no, no. Drunkards? Not they! It is not from such men that we hear in our humble ward meetings; no. They are the once wretched, but now rescued victims of what, in our Western world, is called 'white-faced whisky,' children of the lowest intemperance, who there appear. This tyrant alcohol, like him of whom it is no unapt representative, can suit its temptations to men of every grade and fortune, and to every diversity of human condition. He holds out an appropriate lure to every taste, and draws within his fatal snare the high and the low, the learned and the unlearned, the vulgar and the refined. It is to the story of the humbler and the poorer, who have been reformed by means of that society, with which I was first connected, that I have listened with keenest interest."

MR. WISE,

Rose, and addressed the assembled auditory in a speech, the outline of which is here presented:

"There is one object which this society ought especially to aim at, and that is to break up the prevalence of a degrading vice among the politicians of our land; I mean the vulgar, base, degrading habit of *treating at elections*. To prove that there is no necessity for the continuance of such a practice, let me here state that I have been five times in succession elected to Congress without it, and in open opposition to it. I have served now in Congress for ten years, and I began my course, as a candidate, as soon as I was Constitutionally eligible; and I was as anxious to get here, and as proud of my seat, as my friend from Kentucky declares that he is. I told the people—yes, the people even of old-mint-julep Virginia, that I never would consent to treat any one of them—(applause)—I never had need to do it. I have never asked any thing from them—from a commission of a captain of cavalry to that of a member of Congress—that they refused me; and I never gave one of them a drink to procure his favor. (Renewed applause.) I have said to them, in alluding to the practice, and the offers of liquor first pressed upon me, 'Gentlemen, this is a war of the many against the few; worse than that, it is a war of many against one. I can not stand it. If I drink with one of you, I must drink with all; and that will keep me pretty thoroughly soaked throughout the whole campaign. You will destroy me; you will totally unfit me for the task for which you elect me as your Repre-

sentative. It is physically and intellectually impossible that I should possess a well-balanced mind, after passing through a canvass in which I must drink at the rate of a thousand to one. And, more than this, if my body could stand it, my purse can not; and if you are to be represented by the mere power of money and of liquor, you must select some other agent to serve you in Congress. I propose, if chosen, to represent you merely by the personal gifts which nature has bestowed upon me.' Such was my reasoning with my constituents, and I have never lost a vote by it. When they offered me the can of grog, my answer has been, 'I will drink with you in one of the ingredients, and you shall drink with me in the other; I will take the water, and leave the brandy to you.'" (Applause.)

YOUTHFUL EXCURSION.

This sketch is intended for the eye of my young readers. My father died in the year 1813, when I was nineteen years of age. I had seen very little of the world; thirty miles was the furthest I had ever been from home. I longed to see beyond the river hills of the Delaware, where I had been raised. With a few dollars in my pocket, I left, on foot, to see the world; a few days up the river brought me in sight of Easton, the junction of the Delaware and Lehigh, then a small village, now a city; there I first saw a mountain, the blue mountains, in the distance, towering to the skies; crossing the Delaware, I passed Schooley's mountains, the highest ridges in New Jersey; stopped at Morristown a few days, passed on to New York, gazed up and down the city, with astonishment and delight; soon tired with the dullness of the place, sat down at the wharf on the North river, thinking what I would do next; saw a sloop bound for Newburg, went aboard, engaged a passage, for a dollar, finding my own board, laid in a stock of crackers and dried beef for the trip. There were but two steamboats at that time on the North or Hudson river, the "Car of Neptune" and the "Fire Fly." They were small boats, and were engaged at the time in bringing down troops from the towns up the river. We were to sail the evening I went aboard, but the wind blew strongly down the river, and we lay by until morning, when we cut loose from the dock, and for the first time I was a passenger on a sail vessel; the wind still blew against us, and we were compelled to beat up by running across the river, and shifting our sails upon the tack. It was a very interesting trip to me, the scenery on the Hudson was picturesque and grand, the river was filled with sailing vessels, of all sizes, passing up and down by us. Sing Sing, Tappan, the Buttermilk falls, were soon left behind; as our little sloop sped through the water, dashing the white foam from her prow, West Point, near the foot of the Highlands, was in full view: this spot was consecrated to my youthful mind, here waved the nation's flag. I asked the captain to stop and let me see Fort Putnam. He at once consented, and we landed. I now stood on Revolutionary ground, my heart beat quick and joyous, I ran up Mount Independence, where stood old Fort Putnam, venerable in its ruins, stern monument of a sterner-age; it had survived the assaults of tyranny, and the attempts of treason. I stood at the rock from which the chain was stretched across the narrow channel of the river in the time of the Revolution, to prevent the passage of the British vessels. While I stood upon old Fort Putnam, and cast my eye far down the majestic river toward New York, the

scenes of the Revolution, the treason of Arnold, the capture and execution of Andre, with a thousand associations, rushed upon me. I could have lingered there through the day, but the Captain reminded me that it was time to leave. I thanked him for his kindness, went aboard, and we sailed up the river with the Highlands in full view. We soon entered the narrows, and passed "St. Anthony's Nose," a prominent rock of a mountain cliff. Our good sloop was sailing beautifully before the wind. The captain and myself were standing near the mast, when we were struck by a gust of wind from an opening between the spurs of the mountain, and in an instant she rolled over on her side, and we were standing in the water on her deck, our hats overboard; but she righted, and on she sped at high rates. Night came on, dark and rainy, we anchored in a cove, took supper, and slept till morning. The sun rose, we weighed anchor, and soon passed the narrows, near Madison, and then Newburgh and Fishkill landing came in sight.

Here was the end of my voyage. The sloop was made fast to the wharf, I paid my fare, took leave of my captain, stepped upon the wharf, and, in a few minutes was ranging the streets of Newburgh, looking for what might be seen. Stepping into a tavern to get my dinner, I met a youth, like myself, looking at the world. We soon agreed to be companions. Dinner over, he proposed that we should cross the river and ascend the Fishkill mountain to Solomon's Porch, and take one grand view of the country. Right to my hand; over we went in the ferry-boat, landed on the long Fishkill wharf, that reached to the middle of the river. The mountain appeared to be close by, but after a walk of seven or eight miles we found ourselves, hungry and tired, at its base, where we staid till morning. It was a beautiful day; we had an early breakfast, and with buoyant spirits started up the narrow road that led to the Porch, on the top of the mountain. The distance was about a mile and a half, the road rugged and steep. We soon reached the top; there stood Solomon's Porch, on the topmost peak of a spur of the mountain, a small center frame building, surrounded on all sides by a porch, with light railings. We walked around the circle again and again; the view in every direction was grand, magnificent; on the west, seemed to lie under our feet, Newburgh, and the country beyond; a few miles lower lay New Windsor; the Hudson river, like a small creek to the eye, stretched its serpentine length for many miles before us; to the south lay West Point, in full view in the distance; to the north Poughkeepsie; to the east the village of Fishkill, and the plains. We felt more than compensated for the fatigue of the morning. A gentleman, on the Porch, suggested

that we should see the Natural Ice-house before we left the mountain, and proposed to conduct us to it. Following our guide, winding around the mountain top, over the rocks, descending to the north-west some quarter of a mile, over a narrow, dangerous path, our guide stopped at the mouth of a cave where the sun had never shone, the spurs of the mountain rising from the south and east, and overhanging the spot where we stood. "There," said our guide, "is the Natural Ice-house; it has never been empty since water froze in this climate," and so it appeared to us. The ice looked solid and firm, in large masses; it was then the first of July. We returned to the Porch, descended the mountain, and slept soundly at the same house we had the night before. The next morning, highly delighted with the excursion of the previous day, we returned to Newburgh, where great preparations were being made for the celebration of the fourth of July. The battle between the Chesapeake and Shannon, off Boston harbor, had been fought, Capt. Lawrence and Lieut. Ludlow had fallen, the dying words of the brave Lawrence, "Don't give up the ship," were in every mouth. Lieut. Ludlow was a citizen of Newburgh, the nation was in the midst of war. Newburgh was filled with officers on the recruiting service, the morning of the Fourth was ushered in by the firing of cannon and martial music, the streets were filled, the whole country was there. Much was to be seen, but one object engrossed the attention of all eyes: in the centre of Main street, drawn by ten pair of splendid greys, beautifully harnessed, moved along a model war-ship, with sails set, the stars and stripes floating from one masthead, and from the other a magnificent white banner, inscribed in large golden letters, "Don't give up the ship," with "Capt. Lawrence," "Lieut. Ludlow," below. It was a beautiful representation of the Chesapeake — a solemn memento of those brave officers. The huzzas of the multitude rent the air. The day passed off not to be forgotten.

We went down to the wharf, stepped aboard a sloop bound to New York, and next morning, under full sail, we passed West Point, homeward bound. There came on a calm, the tide was running against us, when our vessel ceased to move, close by the city as we supposed. We became impatient, left the sloop, walked out to the highway, there stood the milestone—"16 miles" to New York. The day was hot, the road dusty, but there was no faltering about us; we traveled on to the city, which at that time did not extend above Canal street. There were no Astor, St. Nicholas, Metropolitan then; we stopped for the night at one of the best houses in the city, inferior in every respect to the most common country hotels now. In a few days I was home again.

HORACE GREELEY AND ERASTUS BROOKS.

As Richard M. Johnson, Vice President of the United States called the Senate to order at twelve o'clock, one day of the session, I looked up to the front gallery, where the corps of reporters were seated. Near the south end of the table, I noticed two young men, pen in hand, ready to write down whatever might be said or done. The one was Horace Greeley of the New York Tribune, and the other Erastus Brooks, of the New York Express, as I learned from a Senator that sat by me. These distinguished young men in appearance presented a wide contrast. Mr. Greeley was small, and slim, white flaxen hair, white eye brows, and light grey eyes; head large, inclined to baldness; high retreating forehead, wide mouth, prominent features, pleasant countenance. Mr. Brooks was also below the medium size, his hair, eyes, and whiskers, coal black, his forehead square and capacious, his complexion dark, his countenance sober. I noticed them daily at their desk, their pens in constant motion. I observed the fidelity of their brief reports, in their respective papers. There was nothing in their appearance at the time, to foreshadow their future distinction, not only at the head of the corps editorial of the United States, but as the leaders through their respective columns, of the great free soil, and American parties in the recent excited political contest, that resulted in the success of Mr. Buchanan over Millard Fillmore and John C. Fremont. There is perhaps no man now living, who occupies a larger share of the public mind as a writer than Horace Greeley. I atttribute this to the fact, that he has devoted so much of his talents and time, to the laboring classes, who largely appreciate his motives and services. The extensive, almost unbounded circulation of the New York Tribune, is mainly owing to the intelligent power of the pen of Mr. Greeley. His talents of the highest order, combined with an energy that never tires, and a knowledge of facts and occurrences, by weight and measure, give to his pen a power seldom found in the writings or addresses of others. As a speaker Mr. Greeley is plain, smooth, intelligible, distinct, unostentatious; at times, beautiful, sublime, eloquent, without a seeming effort. I have thought his manner and style more like those of Edward Everett than any other speaker I have heard. Mr. Greeley will always be read with interest, through his editorial columns, even by those who differ from him politically on account of his anti-Slavery sentiments, while his prepared public addresses, abounding in useful information, will be treasured in our libraries. He is now in the full vigor of life, active, energetic, daily infusing his thoughts into the public mind, in America and Europe.

Erastus Brooks, like Mr. Greeley, stands among the first editorial intellects of the land, of which the columns of the New York Express give conclusive evidence. He possesses talents of a superior order, as has been shown since he has been in the Senate of New York. Mr. Brooks like Mr. Greeley, is as a speaker, plain, unassuming, intelligent, clear, at times beautiful, eloquent, always listened to with interest by his audience. He was the warm supporter of Mr. Fillmore at the recent election, on the ground of his standing on the platform of the American party, to which Mr. Brooks stood warmly attached, and was at the time the candidate of the party for Governor of New York, but was defeated. It is not my purpose to speak of these political questions further than they are identified with my personal sketches. Mr. Brooks was in the meridian of life, in fine health, the last time I saw him, with time still before him, to do much good as a writer, and public speaker.

MILTON GREGG AND DAVID P. HOLLOWAY.

While New York has had her eminent editors, Indiana too has had hers. It is said to be invidious to draw distinctions, where all have done their duty. Indiana owes much, very much, to the press, to the enlightened editoral corps, in the formation of the moral standard of society. If you will show me the newspaper, I will give you the character of the people among whom it circulates. It is not true that but little attention is paid to what appears in the papers. No class of our citizens occupy a higher position of responsibility than the editorial corps. They wield a powerful influence for weal or for woe. If the press is vicious, it ministers to the worst of human vices, and fills society with every species of licentiousness and wickedness. A press controlled by the unprincipled and vicious, is a curse to any people; while the press that maintains a high moral standard is one of the most powerful instrumentalities that was ever brought to bear upon society, in forming it upon the true basis of intelligence, morality, and religion. I feel under great obligations to the conductors of the Indiana press, for the high moral tone they have infused into their columns, and to none more than to the veteran editors whose names stand at the head of this article. I have known them both long and well. I have seen them, read them, heard them. I might speak of Mr. Gregg as a member of our Legislature, and as a member of our Constitutional Convention, where the high order of his talents placed

him in the front ranks. I might speak of Mr. Holloway as a member of Congress, where he stood deservedly high; but I chose rather to place them in my reminiscences, in the more important positions of editors of newspapers, dispersing information, intelligence and morality, among the masses. It is there that their lights have shone the most brilliantly, because the most valuable to society. They are both like Mr. Greeley and Mr. Brooks, in the meridian of life, in the midst of their usefulness devoted to the interests of our State. Long may they live to contribute their influence to the good order of our citizens.

SKETCHES OF NATURE.

As I sat upon a hanging rock, on the bank of the beautiful Delaware, in my youthful days, I noticed a large bald eagle, soaring in the mid-heaven. Lower and lower he came, in his circles, until at length he lighted on a dead limb of a towering sycamore, only a few rods below where I was sitting. I sat still, quietly observing his motions. In a few minutes, I saw coming from the Jersey shore a large grey fish-hawk. The water in the river was as clear as crystal, filled with fish of many kinds. The fish-hawk rose in the air, some hundred feet above the water; stood upon his wings; down he went, like a falling arrow, under the water, out of sight. In a moment up he came with a large struggling fish in his claws. As he rose with his prey above the water, the bald eagle stepped from his perch, and with a swoop that whizzed in the air, flew directly at the fish-hawk. The hawk, with a shriek, dropped the fish; the eagle caught it in his talons before it reached the water, and brought it back to the sycamore limb, where he commenced his morning repast. Here was a bird of prey, led by the instinct of nature, to provide for his wants by the labor and toil of another of his species weaker than himself. How illustrative of the world! How few obtain the means they live upon by their own labor. How many, like the bald eagle, live upon the means procured by the weaker of their race and with just as little remorse of conscience as the eagle, when robbing the hawk of his food.

The Beaver had dammed one of the small rivers of the West, for purposes consistent with the instinct of his nature. The Indian trappers had stealthily examined the dam and habitations of the beaver. One evening, an experienced Indian trapper was seen leaving the lodge, with a short round post, cut from a sapling, fresh peeled of its bark, on his back, and a large beaver-trap, under his arm. He crept through the brush quietly to the river, above the dam, where a neck of dry land projected. There he drove in his post, in full view of the dam and beaver holes, below. The trap was set—placed under the water—between the post and the dam, and tied fast. The Indian crept quietly away, and returned to the lodge. Next morning, there was seen stretched upon the side of his wigwam, the skin of a large beaver. The trapper knew the nature of the animal, his ruling instinct was *curiosity*. The white post was the object, the bait on which the Indian trapper relied to catch the beaver. The animal sees from the mouth of his hole the new object, the white post. At first he retreats; he soon returns, grows familiar with the sight, but is not

satisfied; his curiosity pushes him onward; he has seen, but he has not yet smelt the strange post. He presses forward until, when too late, he finds himself clasped by the jaws of the concealed trap, and dies a victim to his fatal curiosity. So it is with men. How many there are who, like the beaver, give range to their natural appetites and dispositions, and like him fall victims to their unrestrained curiosity.

The night was dark, the rain falling in torrents, when the inmates of a small log cabin, in the woods of early Indiana, were aroused from their slumbers by a loud knocking at the only door of the cabin. The man of the house, as he had been accustomed to do on like occasions, rose from his bed and hallooed, "Who's here?" The outsiders answered, "Friends, out bird-catching. Can we stay till morning?" The door was opened, and the strangers entered. A good log fire soon gave light and warmth to the room. Stranger to the host, "What did you say when I knocked?" "I said who's here." "I thought you said *Hoosier*." The bird-catchers left after breakfast, but next night returned, and hallooed at the door, "Hoosier," and from that time the Indianians have been called *Hoosiers*—a name that will stick to them as long as *Buckeys* will to Ohioans, or *Suckers* to Illinoians.

But I have not disposed of the bird-catchers yet. They were three in number, an old man and his two little sons. They had a small pony, on which they placed their net. They were quail-catchers, well acquainted with the nature of their game. The day was dark and drizzling, just suited to their purposes. In the corner of the field, under covert of a thicket of briers, a flock of quails was seen by the keen eye of the old bird-catcher. Looking around, he saw another covert, that the leaders of the flock would naturally make for on quitting their present hiding-place. Here he staked down the small ends of the funnel of his net, extending the wings from the mouth so as to receive the flock and run the birds into the funnel. The net ready, the old man mounted the pony, and commenced at a distance riding backward and forward horizontally by the covert, whistling and singing as he went, nearing them each time, gradually, but at no time going directly at them. The leaders became uneasy, quietly left their covert; the rest of the flock followed, making directly for the other natural hiding-place, passed inside of the wings of the net, ran down, entered the funnel at full run for the brush beyond, the bird-catcher galloped up at full speed, drew up the stakes at the mouth of the funnel, and bagged the whole flock, without the loss of a bird. Had he rode directly at the flock, they would have

taken wing. How strikingly illustrative of the way that cunning vice lays its snares and captures unsuspecting virtue.

I was sitting in the drawing-room at the Astor House, in New York, one evening, when there entered a small, lame man, with a microscopic glass in his hand, of high magnifying powers. He asked me if I did not want to look through it. I sat down by him. He placed a drop of rain-water on a plate. I saw distinctly that it was but a single drop; it looked perfectly clear to the naked eye. I looked through the tube of the microscope. The drop was magnified into a lake of miles in circumference. The lake was clear as the drop, but to my astonishment it was filled with thousands of living animals, to my eye from the size of a buffalo down to a squirrel, with serpents, from the size of the anaconda down. At the upper end of the lake I saw a large animal, not unlike the rhinosceros. He turned from the shore, came foaming down the lake, seized a little animal, the size of a rabbit, and swallowed it in an instant. I could see it in his stomach, alive and struggling. I took the glass from my eye, looked again at the drop of water, rose from my seat, and left the room. Was this real, or was it merely the creation of the imagination?

LORD ASHBURTON.

I HAVE already sketched a dinner party at Lord Ashburton's, at which I was an invited guest. Before I left that night, he asked me if I would have leisure some evening to visit him again, as he wished to have a familiar talk with me about the great West. I assured him that such a visit, on a subject that was so near to me, would give me pleasure, at any time he would indicate. The next week I received a note from him, fixing the evening for our interview. At the appointed time, I rang at the door, when it was opened by the gentlemanly servant I have described in another sketch. My name was announced by the servant, and re-announced at the door of the drawing-room by another. As I stepped in, I was received by Lord Ashburton with a hearty welcome, and warm grasp of the hand, and a "how do you do, Mr. Senator Smith, from Indiana." I was conducted to a sofa, and after the usual introductory conversation about the occurrences of the day, as the clock struck ten, the servant entered with cups of Mocha coffee. The subject of the late treaty was first introduced by Lord Ashburton. He remarked, "I hope the treaty may prove satisfactory to the two nations. I think it is based upon the just principles of reciprocity. I assure you, Mr. Smith, that nothing but the deep interest I feel for the peace, harmony, and prosperity of the two nations, could have induced me to accept this mission. The interests of England and America are so closely identified, that the one can not be injuriously affected without producing a corresponding effect upon the other; and no common occurrence should ever interrupt their amicable relations, and I trust never will, if the right spirit prevails in the councils of the two nations."

"I heartily concur with the views of your Lordship. I trust the time may never again come, when it shall be thought necessary or proper for these two great nations to resort to arms to settle any matters of controversy between them. Diplomatic intercourse being always open, if the Cabinet at Washington, and the Ministers in England are so disposed, there certainly can be no question so difficult or obstinate, between the two nations, that it can not be settled upon just principles, without war, as well as after war, in this age of the civilized world. The principles of the *status ante bellum* govern all civilized nations."

"I understand that there were some serious objections raised in the Senate, to the treaty recently ratified." "Yes, there were some that seemed for a time extremely formidable; but the treaty was finally ratified by a decided vote. The main objections were, that the line

was placed on the 49th parallel of latitude instead of 54° 40′, which some of the Senators contended was our true northern boundary; that the treaty provided for delivering up *fugitives* from *justice*, escaping across the line by Canada and the United States, but made no provision for the surrender, by Canada, of *fugitives* from *labor;* that the treaty wholly omitted several matters of controversy between the two nations, among them the right of search, and impressment on the high seas."

"The line is placed upon the true parallel, and will be extended upon that parallel to the Pacific Ocean, I have no doubt. The right to pursue and take *fugitives* from *labor*, or *slaves*, in Canada, on the part of the United States, will never be admitted in any treaty by the British Government. Our principles are, that slavery can never exist a moment in territory governed by our laws; that the moment the slave steps upon our soil his shackles fall, and he is a free man. I admit there were many subjects that might have been included in the treaty that were not; but the main purpose of my mission being accomplished upon a satisfactory basis, other matters were left for other negotiations."

He then passed to the matters that I supposed had induced our interview, after partaking of a cup of coffee and some cakes, as the clock struck twelve. "Mr. Smith, you are from the great Valley of the Mississippi. I wish to learn from you the character of the soil, productions, and minerals, of that great region of the world. I have read all about it in books, but that does not satisfy me." I entered into a full description of the West, as I had seen it — its timber, soils, productions, seasons, commerce, manufactures, minerals, cities, improvements, population, the manner of improving the woods, from the hut of the first settler to the mansion of the second or third generation — in all of which he appeared to be deeply interested. "The United States is the great pork region of the world, and the Mississippi Valley produces the most of it. Can you give me the process of fattening your pork?" "We fatten our hogs, in the West, in large numbers, in our corn-fields; through the spring and summer they are kept on clover and rye fields, sown for the purpose, then turned into early ripened corn, and so on, from corn-field to corn-field, until the fattening process is completed; they are kept well salted, and well watered." He could scarcely wait till I got through. "Don't your hogs waste a great deal of corn in the field?" The question had been put to me often, by my Eastern friends. "No, I think not. I have had some experience in that matter. I fed a large number of hogs,

for many years, in my corn-fields. The first year I fed in lots with plank floors; had my corn gathered and hauled to the pens; the next year I turned my hogs into the field, to gather the corn for themselves, and the result of my observation was, that I saved at least the whole expense of gathering and feeding the corn. The size of the lot should be suitable to the number of hogs, so as not to leave them too long on the same ground." "Does this process enrich, or impoverish the ground they are fed upon?" "It enriches it. A field of good land may be planted in corn every year, without manure, and if it is fed off in the field, by hogs, it will produce better and better, for twenty years. I have tried it that long, and such has been the result."

"Have you many poor people among you, for the want of employment?" "None. There is employment for all who desire to work. Our poor are generally the victims of intemperance, rendering them unable to work." "Are your farmers generally tenants, or the owners of the soil?" "They are very largely the owners of the soil, and farm on their own account." "Then you have the bases for a happy and prosperous people."

He then gave me a full and graphic account of the condition of the laboring and farming classes of England, Ireland, and Scotland; highly interesting to me, but too lengthy to find a place here, though I distinctly recollect much of it.

"Will your Lordship favor me with your comparison of the Senate of the United States with the House of Lords, and the House of Representatives with the House of Commons?" "The British House of Lords does not contain so many distinguished men as the Senate of the United States. This is in part owing to the fact, that in the United States your Senators are selected from the most distinguished men of the several States, while our Lords are not elected, but hold their places for life, by inheritance and the special favor of the Crown. Our House of Commons is composed of a much larger number than your House of Representatives; but I must say that the members of your House will compare very favorably with our Commoners. There is one remarkable characteristic that I have noticed in your Members as well as Senators—they are all speakers; while our Houses have but the few, as compared to the many, who attempt to speak. How do you account for that." "I suppose it grows out of the previous training of our members. They have all been raised and educated, as it were, on the hustings, or stump. Mostly taken from the bar, accustomed to speaking in public from their youth up, they come into Con-

gress ripe speakers. Besides, their constituents naturally look to them for speeches; the press publishes them; they are stimulated to their highest efforts; they speak with preparation; they are men that have been generously dealt with by nature, and have come up to their positions by untiring personal exertions."

His lordship spoke of the great extent of the British empire, as compared with that of France; spoke feelingly of the poverty and dependence of the laboring classes of Europe, and highly of the abundant supplies of food in the United States. At two o'clock we took a parting cup of coffee, and I left, having spent one of the most agreeable nights of my life.

RICHARD W. THOMPSON.

Among the most distinguished men of the State of Indiana, it affords me pleasure to name the subject of this sketch. I became personally and intimately acquainted with Mr. Thompson, while he represented his county in the Senate of our State. At an after period while representing his district in the Congress of the United States, our intimacy increased. Mr. Thompson possessed a mind of great vigor and clearness. As a public speaker, he had few, if any superiors in the West. He was strong, clear, emphatic, sometimes vehement on the public stand, with a clear, loud voice, always enchaining his audience with his impassioned eloquence. At the bar, he was a fine lawyer, argued his cases well, upon full preparation. In Congress, Mr. Thompson stood high, among the first of his age. He frequently addressed the House of Representatives, always to the satisfaction of his party. He was an ardent Whig; a warm friend of Henry Clay. In person he was a model, some five feet ten inches high, straight and erect, black hair and eyes, high forehead, dark complexion, wide mouth, prominent nose and chin. I have thought the Indiana reader would like to see a specimen of his Congressional speeches, to notice his style. The extract following, is from his great tariff speech.

"Mr. Chairman:—I think that the public interest would be much better observed, if our discussions here partook more of a *business*, and less of a *party* character; for this measure is of such deep importance, that we shall find great difficulty in adjusting its details. In all similar measures heretofore perfected, such has been found to be the case—the principle of *protection* being, in each of them, a permanent and settled principle. It was not until the tariff was permitted to mingle in the party contests of the day, that this principle was met with those denunciations which are now so common in this House; the frequent repetition of which, has stimulated the industry of those in England and our own country, who promulgate the false philosophy of free-trade. Such an association of a question so interesting and delicate—affecting as it does, all the great interests of this vast country of ours—is a subject of earnest regret, to all who look upon the labors and wisdom of the fathers of our Constitution, with that reverence to which they are entitled.

"Instead of looking to the common interests of a common country and uniting heart and hand in their promotion, we are urged to depart from the admonitions of age and experience, and to adopt a theory which has sprung up in the cloister of the student, and been repudi-

ated by the civilized world. And we are asked to adopt it, too, without reference to the action of those Governments with whom we have been accustomed to carry on our commerce, and suddenly to startle the world, by an example of magnanimity, which, while it will tend to characterize us as a nation of philanthropists, will inevitably make us a nation of bankrupts. I confess I am not very familiar with the mode of reasoning, by which gentlemen bring themselves to the support of this policy; but I am very sure that the friends of the tariff have nothing to fear from a fair presentation of it to the country. As one among the most humble of those friends, I am prepared to meet the issue and abide the result. But I do not see how any *practical* results are to be arrived at, without looking both to foreign policy and our own history and condition. If we were left to the exchange of commodities among ourselves, or with those nations who had opened their ports to all the vessels of the world, and permitted importations of merchandize, without duty or restriction, we might easily conform our own to a policy so original and simple. But this is far from being our condition. Instead of the prevalence of such policy among commercial nations, there is not one that does not impose heavy burdens upon the commerce of the world. We have continually done so ourselves, having found it as essential to our own protection and prosperity, even at the earliest period of our history, as are the principles of our Constitution, to the perpetuity of our form of government.

"If, at the period of our Revolution, and when its successful termination had severed our allegiance to the mother country, the States of the confederacy had found their efforts to extend the 'freedom of the seas,' fairly and honestly reciprocated by foreign nations, it is not improbable that the confederacy may have continued, with a few additional grants of power, merely sufficient to keep unimpaired the bond of union. But even then, when we were in our infancy, and when the question was an *original* one, we were met by no spirit of conciliation upon the part of other nations. We were driven to strengthen our national arm, that we might more successfully defend ourselves against foreign policy; and now, when that arm is fast becoming stronger and stronger, we are asked to strike it down with a withering paralysis. Gentlemen may indulge in professions of deep reverence for the *principles* of free-trade, but *practically* it can be considered in no other light than as involving the annihilation of all individual enterprise in the country. It strikes a death-blow at that extended commerce which has hitherto banished our national embarrassment, transported to our doors all the essentials of ease and comfort, invigorated our domestic trade, and dispelled the thick gloom with which we have

been encompassed. Sir, this is not a local question; it is not a New England question. If it were, her Representatives upon this floor might appeal to this House, by a thousand considerations connected with the prosecution and success of our Revolutionary struggle.

"They might claim, as the descendants of the 'Pilgrim Fathers,' that they be not left to the stifling influence of European policy. But it is a question of greater and broader magnitude; it embraces all the interests in the land. The seaman, who pursues the mighty whale upon the ocean, or the adventurous boatsman, who plies his '*broad horn*' upon the 'father of rivers,' are as much entitled to the protection of the Government as the man who hoards his millions in the security of his home. The farmer, the mechanic, the manufacturer, the fisherman, every man of every class or pursuit in the country, feels his interests involved in the settlement of this question. The prosperity of all these is blended together. They constitute the great machinery of civil government and society; each part of which must be protected within its sphere. Strip from the merchant his means of trade, and you paralyze the farmer, the mechanic and the manufacturer. Stop the plow of the farmer, and the shuttle of the manufacturer is no longer heard, the implements of the mechanic are laid aside, and the ledger of the merchant closed. Will gentlemen annihilate this mutual and harmonious dependence? If this is their purpose, they have but to establish their free-trade, and leave the governments of Europe to persist in their restrictions and prohibitions, and their wish is consummated.

"Our country, in times past, has been encompassed with many difficulties, which time and perseverance have dispelled. We are now in the full pride of national vigor and strength, and as we are looking out upon our elevation, the political theorist, who sees panic and doubt in every advance of public policy, asks us to turn aside from the path which civilized nations have trod so long, and adventure upon the experiment of free-trade. Let him have his way, and instead of those systems of currency and finance which have so successfully ministered to our necessities, we shall be driven to a mere exchange of commodities, depending for the value and sale of our products upon the caprice of foreign policy. Instead of an accumulation of the means of trade, we shall be paving the way for an ultimate return to an exclusively metallic currency, which is so at war with national wealth and individual enterprise. Instead of opening as wide as the compass of the ocean, the pathways of our commerce, we should be obstructing every avenue to its success."

DANIEL WEBSTER.

The name of the eminent subject of this sketch, has been so long identified with the history of his country, that it would seem almost unnecessary for me to notice him here. The son of a plain farmer in New Hampshire, he rose by the force of his native powers, to be one of the first lawyers of the United States, in comparatively a few years. He early commenced his career as a politician and statesman, and in a few years stood alone, as the great and powerful man without compeer in New England, and take him all in all, with no superior in the United States, in all the high qualities of the civilian. Whether the position of Mr. Webster was at the bar, in the argument of important causes in the Supreme Court, in the House of Representatives, in the Senate of the United States, Secretary of State, he was always found equal to the occasion, standing self-sustained by his great native powers, improved by long and deep study. His speeches have been published in many forms; his orations are before the world, every schoolboy has read them; his diplomatic correspondence remains in the archives of the nation for the guidance of our statesmen. I have no space to sketch, much less to review them, although they are as familiar to me as household words. I had the pleasure of being associated with Mr. Webster from the year 1837 to 1841, in the Senate, I found him there when I took my seat. He left us to enter the Cabinet of General Harrison in 1841, and his place was filled by Rufus Choate whom I have sketched elsewhere.

I had every opportunity of seeing Mr. Webster, and of hearing him, in the open Senate and in executive session, for four years, during which time he was brought into direct contact daily with a body of the greatest men on earth. It is eulogy enough for me to say that he stood head and head with the greatest of these eminent men. The great characteristic of the mind of Mr. Webster, was comprehensiveness, and clearness; there seemed to be no subject so comprehensive, none so abstruse, perplexed, entangled, that his vigorous mind did not at once see it, in all its bearings and ultimate consequences, and in the most plain and intelligible manner present it to his hearers, hence his power before his audience. Mr. Webster was a true orator, as distinguished from a declaimer. He was plain, strong, clear. He stood erect, gestures easy and natural, the orator was swallowed up in the subject, the hearers lost sight of Mr. Webster, in the interest he imparted to the matter in debate; and the wonder was, that others had not thought of the same ideas, they seemed to be so common and so obvious. He was always cool, collected, and self-balanced, and no

excitement even in the heat of debate, could throw him off his guard, so far as to make him forget his self-respect, or the courtesy of debate due to others; still with all his powers he was not cut out for a leader, a pioneer, like General Jackson, John C. Calhoun, and Henry Clay. His was rather the heavy artillery in the army of Napoleon, silencing the batteries of the enemy, as at Austerlitz and Jena. What Mr. Webster might have been had he lived further West, and had he and Henry Clay not been like two great lights, luring out together, standing prominently before the same party, may easily be suggested. In person, Mr. Webster was some five feet ten inches in hight, strongly built, remarkably large expanded chest, head very large, forehead unusually high and large, hair and eyes coal black, features fine. In private society and at his own social parties, Mr. Webster was, like all great men I have ever met, plain and social, making all in his presence quite at home. His many speeches have been so widely circulated, that I content myself with giving to the reader an abstract from his reply to Mr. Calhoun, on the important subject of *nullification*, that will be read with interest while our Union lasts.

"The gentleman from South Carolina," said Mr. Webster, "has admonished us to be mindful of the opinions of those who shall come after us. We must take our chance, sir, as to the light in which posterity will regard us. I do not decline its judgment, nor withhold myself from its scrutiny. Feeling that I am performing my public duty with singleness of heart and to the best of my ability, I fearlessly trust myself to the country, now and hereafter, and leave both my motives and my character to its decision.

"The gentleman has terminated his speech in a tone of threat and defiance toward this bill, even should it become a law of the land, altogether unusual in the halls of Congress. But I shall not suffer myself to be excited into warmth, by his denunciation of the measure which I support. Among the feelings which at this moment fill my breast, not the least is that of regret at the position in which the gentleman has placed himself. Sir, he does himself no justice. The cause which he has espoused finds no basis in the Constitution, no succor from public sympathy, no cheering from a patriotic community. He has no foothold on which to stand, while he might display the powers of his acknowledged talents. Every thing beneath his feet is hollow and treacherous. He is like a strong man struggling in a morass; every effort to extricate himself only sinks him deeper and deeper. And I fear the resemblance may be carried still further; I fear that no friend can safely come to his relief; that no one can

approach near enough to hold out a helping hand, without danger of going down himself, also, into the bottomless depths of this Serbonian bog.

"The honorable gentleman has declared that on the decision of the question now in debate, may depend the cause of liberty itself. I am of the same opinion; but then, sir, the liberty which I think is staked on the contest, is not political liberty, in any general and undefined character, but our own, well understood, and long enjoyed *American* liberty.

"Sir, I love liberty no less ardently than the gentleman, in whatever form she may have appeared in the progress of human history. As exhibited in the master States of antiquity, as breaking out again from amid the darkness of the middle ages, and beaming on the formation of new communities, in modern Europe, she has, always and every where, charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union; it is that liberty which is our paternal inheritance, it is our established, dear bought, peculiar American liberty to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

"The Constitution does not provide for events which must be preceded by its own destruction. SECESSION, therefore, since it must bring these consequences with it, is REVOLUTIONARY. And NULLIFICATION is equally REVOLUTIONARY. What is revolution? Why sir, that is revolution which overturns, or controls, or successfully resists the existing public authority; that which arrests the exercise of the supreme power; that which introduces a new paramount authority into the rule of the State. Now sir, this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the executive magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordinance, it declares null and void, within the State, all the revenue laws of the United States. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into effect, *a revolution* will have commenced in South Carolina. She will have thrown off the authority to which her citizens have heretofore been subject. She will have declared her own opinions and her own will to be above the laws, and above the power of those who are entrusted with their administration. If she makes good these declarations, she is revolutionized. As to her, it is as distinctly a change of the supreme power, as the American revolution of 1776. That revolution did not subvert Government in all its forms. It did not subvert local laws and municipal administrations. It only threw off the dominion of a power, claiming to be superior, and to

have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped or abused, the American colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their own municipal laws still, and the forms of local Government. If Carolina now shall effectually resist the laws of Congress, if she shall be her own judge, take her remedy into her own hands, obey the laws of the Union when she pleases, and disobey them when she pleases, she will relieve herself from a paramount power as distinctly as the American colonies did the same thing in 1776. In other words, she will achieve, as to herself, a revolution.

"But, sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and to break up the Constitution, as to all the other States. It strikes a deadly blow at the vital principle of the whole Union. To allow State resistance to the laws of Congress to be rightful and proper, to admit nullification in some States, and yet not expect to see a dismemberment of the entire Government, appears to me the wildest illusion, and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half way down. In the one case as in the other, the rash adventurer must go to the bottom of the dark abyss below, were it not that that abyss has no discovered bottom.

"Nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligations of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four and twenty distinct powers, each professing to be under a General Government, and yet each setting its laws at defiance at pleasure. Is not this anarchy, as well as revolution? Sir, the Constitution of the United States was received as a whole, and for the whole country. If it can not stand altogether, it can not stand in parts; and if the laws can not be executed every where, they can not long be executed any where. 'Such is my opinion, and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law; I declare it unconstitutional; that is enough; it shall not be executed. Men in

arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere, it may be binding; but here it is trampled under foot.'

"This, sir, is practical nullification.

"And now, sir, against all these theories and opinions, I maintain—

"1. That the Constitution of the United States is not a league, confederacy, or compact, between the people of the several States in their sovereign capacities; but a Government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

"2. That no State authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

"3. That there is a supreme law, consisting of the Constitution of the United States, acts of Congress passed in pursuance of it and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, this supreme law, so often as it has occasion to pass acts of legislation; and, in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter.

"4. That an attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits, on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the General Government, and on the equal rights of other States, a plain violation of the Constitution, and a proceeding essentially revolutionary in its character and tendency.

JOSEPH GALES.

Among the great men of the nation, I have long placed Joseph Gales, the senior editor of the National Intelligencer. His name has stood at the head of that valuable paper, until the volumes of the tri-weekly numbered LVIII. on the sixth day of October, 1857. As an editor, Mr. Gales has few equals in the United States, and no superior. With his motto, standing at the head of his paper, "Liberty and Union, now and forever, one and inseparable," he has at all times in his able editorials, that have been extensively read in America and Europe, made his motto his polar star. He has been what his paper imports, the "National Intelligencer." Mr. Gales as a writer and political controversialist, stands as a model. No attacks upon him, however unwarranted, ever drove him from his dignity as an editor, nor induced him, even in moments of excitement, to write a single, low or unbecoming paragraph. When attacked by Mr. Ritchey, the editor of the Union, who was a very small man, holding a remarkably severe pen, Mr. Gales commenced his reply; "Our venerable neighbor, may his shadow never grow less," and in plain, dignified language proceeded to present his side of the question to the public. Mr. Clay once asked me, what man in the United States knew the most of our country, and its prominent men. I said John Quincy Adams. He said he agreed with me, but who next? and before I had time to speak, he said Joseph Gales. I fully concurred with him. Mr. Gales, it is true, was a strong National Whig, and so was I. It is not impossible, that I like the course of his paper the better on that account, still it was not my purpose in noticing him, to speak of his politics, but rather to pay a tribute to his devotion to the Union, and the uniform dignity of his editorials. Mr. Gales is about the common hight, well made, broad face, remarkably large head, prominent, square forehead, heavy coat of hair, standing erect, like the quills upon the porcupine. The last time I saw him, his hair was white as snow, his face wrinkled with age, his eyes covered with glasses, his limbs crippled; and yet I found him in his little room over the office of the Intelligencer, pen in hand, preparing an editorial article. I give to the reader, one of his last, on a very important subject, to show his style, as well as his views.

PREVENTION OF CRIME.

"The alarming increase of social disorder and insubordination throughout the whole country, as manifested sometimes in banded rowdyism, and sometimes in individual outbreaks of violence, may well excite the solicitude, and fix the attention of all good citizens.

The evil has, indeed, reached such a hight, that it not only mars the harmonious working of our civil and political system; but threatens with danger the very elements of all social organization — the sacredness of human life and the security of private property.

"If we may judge from the records of the cotemporary press, it has come to pass in all our larger cities, that the chapter of willful crime, has become more varied and replete, than the chapter of those daily accidents, against which human precaution is unable to secure the denizens of the crowded street and thoroughfare. The private passenger is in danger of death from the miscreant that lurks in some darkened alley, while a dozen persons assembled at a club-room or marching in procession, are liable, perhaps for reasons which measurably inculpate themselves, to be assailed by a shower of deadly missiles or a discharge of shot from the still more deadly revolver.

"The moral causes of this cheap contempt in which human life is held among us, lie upon the surface, and are seen in the extravagant notions of personal rights and personal independence which are fostered, not only by the perversion of our political doctrines, but by the laxity of parental discipline, which, renouncing the duties of parentage, plants thorns not only for the pillow of its own declining age, but scatters 'firebrands and death' throughout the whole community. What wonder that our rabble youth, left unrestrained and subjected to the influences of depraved companionship, and of 'street education,' should soon become chiefly remarkable for their precocity in crime?

"And out of this extravagant theory of personal independence thus perverted by early contact with vice and violence, has grown an equally extravagant notion respecting the right of self-defense, which turns every man into an avenger, not only of the wrongs actually committed against his personal peace and safety, but renders him swift to shed blood in the very apprehension of danger or insult. As partly the cause and partly the effect of this indifference to human life, *the practice of going armed with concealed and deadly weapons*, has well nigh become one of our social habitudes. The only conceivable object of course, in thus carrying these instruments of death, is *to kill:* the violent, that they may perpetrate their misdeeds with impunity; the peaceful, under the plea that the habit, though originally reprehensible, has become a dire necessity under the reign of license and disorder. Well may we deplore the social state in which such an apology for such a practice has only too much foundation.

"But, whatever the motive and whatever the excuse for this dangerous custom, it is one that should not be tolerated in any community

which has emerged from the condition of savages, and professes allegiance to law and order. All experience has proved, that Americans are too irascible and quick in the resentment of personal affronts, to be trusted with the means of executing such summary process for the redress of wrongs, or for personal defense against threatened and apprehended danger.

"The subject in hand is one upon which we have long reflected, and recent events in our own city have only tended to revive its pressing importance, and prove its immediate concern to the peace and welfare of this metropolitan community. The question recurs, what shall be done to stay this tide of violence and crime, which threatens to sweep away every dike of social restraint and civil subordination? Is it the fault of the law, or of the administration of the law that mob violence and covert ruffianism are permitted to stain our streets with blood, and that unoffending persons are liable to be struck down in their tracks by the random shot of some street-brawler, or lurking desperado? We are aware that such deplorable 'incidents' are not of frequent occurrence among us; but late events would seem to indicate that the sanctions of penal justice, for some reason, have failed to prove a terror to evil-doers among us, thus tending only the more to embolden the disturbers of the public peace by the prospect of impunity in their career of crime and disorder.

"We therefore suggest to the peace-loving and orderly citizens the propriety of passing more stringent laws to repress the outbreaks of rowdyism and violence in our midst; and among such additional measures for the prevention of crime, we would especially designate an enactment, so framed as to insure its ready enforcement, against the dangerous and criminal practice of wearing concealed weapons. Such a law, we are aware, will prove unavailing, unless those who administer it are endowed with the means and facilities, as well as the will to enforce its penalties; but we are well persuaded that, stringently enforced, it would *prevent* a vast amount of crime, and tend to save the effusion of blood among us. Desperate ills demand energetic remedies, and no social ill ever cried for correction so loudly and urgently, as the reckless ruffianism which now stalks through our streets and alleys from nightfall to morning. Congress has enacted a stringent law against dueling; but is it worse for two men to go out and settle a quarrel by open combat than for nocturnal rowdies to be allowed the means of committing wanton murder on unoffending passers along the highway? No peaceable citizen thinks of carrying arms, save for defense; and why should not the lawless ruffian be disarmed and deprived of the power of executing the promptings of his depraved

passions? The very possession of fire-arms incites to their bloody use; when the pistol is in hand it obeys the murderous impulse before reason or reflection can interpose.

"It is possible that a law under this head, so framed as to admit of practical enforcement, might be termed by the disorderly, and perhaps by the demagogical, who are ever ready to pander to popular passion, an 'invasion of American rights,' or an 'unwarrantable restriction of personal liberty.' It is a great truth in political science, that, in the main, every people has nearly just such a government as it deserves—all civil government being little other than the combined reflex of the intellectual and moral character of its subjects. As well expect the stream to rise above its source, as that a people, willing to endure the reign of license, will be left to enjoy the blessings of public peace and tranquillity. And let it not be forgotten, that they who neglect or refuse to strengthen the hand of the civil power for the repression of violence and wrong, become themselves, in a government of public opinion like ours, the sharers in the guilt and crime which disgrace our annals. They are sowing the wind, and society must perforce be left to reap the whirlwind."

DANIEL BOONE.

The subject of this sketch, one of the great pioneers of the Valley of the Mississippi, is so intimately connected with the days of massacre and blood in the great West, that I feel justified in placing before the reader, his own account of the trials, and thrilling scenes through which he passed, while periling his life in a savage country. Many of my subjects have been the early settlers of Indiana. I trust it will not be unacceptable, even to my Indiana readers, to let Daniel Boone, who saw the woods of our State, when they were the exclusive haunts of wild beasts, and the roving red man, speak for himself. I accidentally noticed the following in the Family Magazine published in Cincinnati in 1836, and give it as I found it.

"It was on the first of May, 1769, that I resigned my domestic happiness, and left my family and peaceable habitation on the Yadkin river in North Carolina, to wander through the wilderness of America, in quest of the country of Kentucky, in company with John Finley, John Stuart, Joseph Holden, James Monay, and William Cool.

"On the seventh of June, after traveling a western direction, we found ourselves on Red river, where John Finley had formerly been trading with the Indians, and from the top of an eminence, saw with pleasure the beautiful level of Kentucky. For some time we had experienced the most uncomfortable weather. We now encamped, made a shelter to defend us from the inclement season, and began to hunt, and reconnoitre the country. We found abundance of wild beasts in this vast forest. The buffaloes were more numerous than cattle on their settlements, browsing on the leaves of the cane, or crossing the herbage on these extensive plains. We saw hundreds in a drove, and the numbers about the salt springs were amazing. In this forest, the habitation of beasts of every American kind, we hunted with great success until December.

"On the twenty-second of December, John Stuart and I had a pleasing ramble; but fortune changed the day at the close of it. We passed through a great forest, in which stood myriads of trees, some gay with blossoms, others rich with fruits. Nature was here a series of wonders and a fund of delight. Here she displayed her ingenuity and industry in a variety of flowers and fruits, beautifully colored, elegantly shaped, and charmingly flavored; and we were favored with numberless animals presenting themselves perpetually to our view. In the decline of the day near Kentucky river, as we ascended the brow of a small hill, a number of Indians rushed out of a canebrake and made us prisoners. The Indians plundered us, and kept us in confinement

seven days. During that time, we discovered no uneasiness or desire to escape, which made them less suspicious; but in the dead of night, as we lay by a large fire in a thick canebrake, when sleep had locked up their senses, my situation not disposing me to rest, I gently awoke my companion. We seized this favorable opportunity and departed, directing our course toward the old camp, but found it plundered and our company destroyed or dispersed.

"About this time, as my brother with another adventurer who came to explore the country shortly after us, was wandering through the forest, they accidentally found our camp. Notwithstanding our unfortunate circumstances, and our dangerous situation, surrounded with hostile savages, our meeting fortunately in the wilderness gave us the most sensible satisfaction.

"Soon after this my companion in captivity John Stuart, was killed by the savages, and the man who came with my brother, while on a private excursion, was soon after attacked and killed by the wolves. We were now in a dangerous and helpless situation, exposed daily to perils and death, among savages and wild beasts, not a white man in the country but ourselves.

"Although many hundred miles from our families, in the howling wilderness, we did not continue in a state of indolence, but hunted every day, and prepared a little cottage to defend us from the winter. On the first day of May, 1770, my brother returned home, for a new recruit of horses and ammunition, leaving me alone, without bread, salt, or sugar, or even a horse or a dog. I passed a few days uncomfortably. The idea of a beloved wife and family, and their anxiety on my account, would have disposed me to melancholy if I had further indulged the thought.

"One day I undertook a tour through the country, when the diversity and beauties of nature I met with in this charming season, expelled every gloomy thought. Just at the close of the day, the gentle gales ceased; a profound calm ensued; not a breath shook the tremulous leaf. I had gained the summit of a commanding ridge, and looking around with astonishing delight, beheld the ample plains and beauteous tracts below. On one hand, I surveyed the famous Ohio rolling in silent dignity, and marking the western boundary of Kentucky with inconceivable grandeur. At a vast distance, I beheld the mountains lift their venerable brows and penetrate the clouds. All things were still. I kindled a fire near a fountain of sweet water, and feasted on the loin of a buck which I killed a few hours before. The shades of night soon overspread the hemisphere, and the earth seemed to be gasping after the hovering moisture. At a distance I

frequently heard the hideous yells of savages. My excursion had fatigued my body and amused my mind. I laid me down to sleep, and awoke not until the sun had chased away the night. I continued this tour, and in a few days explored a considerable part of the country, each day equally pleasing as the first. After which I returned to my old camp, which had not been disturbed in my absence. I did not confine my lodging to it, but often reposed in thick canebrakes to avoid the savages, who, I believe, frequently visited my camp, but fortunately for me, in my absence. No populous city, with all its varieties of commerce and stately structures, could afford such pleasure to my mind, as the beauties of nature I found in this country.

"Until the twenty-seventh day of July, I spent my time in an uninterrupted scene of sylvan pleasures, when my brother, to my great felicity, met me, according to appointment, at our old camp. Soon after we left the place, and proceeded to Cumberland river, reconnoitering that part of the country, and giving names to the different rivers.

"In March, 1771, I returned home to my family, being determined to bring them as soon as possible, at the risk of my life and fortune, to reside in Kentucky, which I esteemed a second paradise.

"On my return, I found my family in happy circumstances. I sold my farm on the Yadkin, and what goods we could not carry with us, and on the twenty-fifth of September, 1773, we took leave of our friends and proceeded on our journey to Kentucky, in company with five more families, and forty men that joined us in Powell's Valley, which is one hundred and fifty miles from the new-settled parts of Kentucky. But this promising beginning was soon overcast with a cloud of adversity.

"On the tenth of October the rear of our company was attacked by a party of Indians, who killed six, and wounded one man. Of these my oldest son was one that fell in the action. Though we repulsed the enemy, yet this unhappy affair scattered our cattle and brought us into extreme difficulty. We returned forty miles to the settlement on Clench river. We had passed over two mountains, Powell's and Walden's, and were approaching Cumberland mountains, when this adverse fortune overtook us. These mountains are in the wilderness, in passing from the old settlement in Virginia to Kentucky; are ranged in a southwest and northeast direction; are of great length and breadth, and not far distant from each other. Over them nature has formed passes less difficult than might be expected from the view of such huge piles. The aspect of these cliffs is so wild and horrid, that it is impossible to behold them without horror.

"Until the sixth of June, 1774, I remained with my family on the Clench, when myself and another person were solicited by Governor Dunmore, of Virginia, to conduct a number of surveyors to the falls of the Ohio. This was a tour of eight hundred miles, and took sixty-two days.

"On my return, Gov. Dunmore gave me the command of three garrisons during the campaign against the Shawnees. In March, 1765, at the solicitation of a number of gentlemen of North Carolina, I attended their treaty at Wataga with the Cherokee Indians, to purchase the lands on the south side of Kentucky river. After this, I undertook to mark out a road in the best passage from the settlements through the wilderness to Kentucky.

"Having collected a number of enterprising men well armed, I soon began this work. We proceeded until we came within fifteen miles of where Boonsborough now stands, where the Indians attacked us, and killed two and wounded two more of our party. This was on the twenty-second of March, 1775. Two days after we were again attacked by them, when we had two more killed and three wounded. After this we proceeded on to Kentucky river without opposition.

"On the first of April, we began to erect the fort of Boonsborough, at a salt lick, sixty yards from the river on the south side. On the fourth, the Indians killed one of our men. On the fourteenth of June, having completed the fort, I returned to my family on the Clench, and whom I soon after removed to the fort. My wife and daughter were supposed to be the first white women that ever stood on the banks of the Kentucky river.

"On the twenty-fourth of December, the Indians killed one of our men and wounded another; and on the fifteenth of July, 1776, they took my daughter prisoner. I immediately pursued them with eight men, and on the sixteenth, overtook and engaged them. I killed two of them and recovered my daughter.

"The Indians, having divided themselves into several parties, attacked in one day all our infant settlements and forts, doing a great deal of damage. The husbandmen were ambushed and unexpectedly attacked while toiling in the field. They continued this kind of warfare until the fifteenth of April, 1777, when nearly one hundred of them attacked the village of Boonsborough, and killed a number of its inhabitants. On the sixteenth, Col. Logan's fort was attacked by two hundred Indians. There were only thirteen men in the fort, of whom the enemy killed two and wounded one.

"On the twentieth of August, Colonel Bowman arrived with one

hundred men from Virginia, with which additional force we had almost daily skirmishes with the Indians, who began now to learn the superiority of the 'long knife,' as they termed the Virginians; being outgeneraled in almost every action. Our affairs began now to wear a better aspect, the Indians no longer daring to face us in open field, but sought private opportunities to destroy us.

"On the seventh of February, 1778, while on a hunting excursion alone, I met a party of one hundred and two Indians and two Frenchmen, marching to attack Boonsborough. They pursued and took me prisoner, and conveyed me to Old Chillicothe, the principal Indian town on little Miami, where we arrived on the eighteenth of February, after an uncomfortable journey. On the tenth of March I was conducted to Detroit, and while there, was treated with great humanity by Governor Hamilton, the British commander, at that port, and intendant for Indian affairs.

"The Indians had such an affection for me, that they refused one hundred pounds sterling, offered them by the governor, if they would consent to leave me with him, that he might be enabled to liberate me on my parole. Several English gentlemen then at Detroit, sensible of my adverse fortune and touched with sympathy, generously offerred to supply my wants, which I declined with many thanks, adding that I never expected it would be in my power to recompense such unmerited generosity.

"On the tenth of April, the Indians returned with me to Old Chillicothe, where we arrived on the twenty-fifth. This was a long and fatiguing march, although through an exceeding fertile country, remarkable for springs and streams of water. At Chillicothe I spent my time as comfortable as I could expect; was adopted, according to their custom, into a family where I became a son, and had a great share in the affection of my new parents, brothers, sisters, and friends. I was exceedingly familiar and friendly with them, always appearing as cheerful and contented as possible, and they put great confidence in me. I often went a hunting with them, and frequently gained their applause for my activity at our shooting-matches. I was careful not to exceed many of them in shooting, for no people are more envious than they are in this sport. I could observe in their countenances and gestures the greatest expressions of joy when they exceeded me, and when the reverse happened, of envy. The Shawnees king took great notice of me and treated me with profound respect and entire friendship, often intrusting me to hunt at my liberty. I frequently returned with the spoils of the woods, and as often presented some of

what I had taken to him, expressive of duty to my sovereign. My food and lodging were in common with them, not so good indeed as I could desire, but necessity made every thing acceptable.

"I now began to meditate an escape, and carefully avoided giving suspicion. I continued at Chillicothe until the first day of June, when I was taken to the salt springs on Scioto, and there employed ten days in the manufacturing of salt. During this time, I hunted with my Indian masters, and found the land for a great extent about this river to exceed the soil of Kentucky.

"On my return to Chillicothe, one hundred and fifty of the choicest Indian warriors were ready to march against Boonsborough. They were painted and armed in a frightful manner. This alarmed me, and I determined to escape.

"On the twenty-sixth of June, before sunrise, I went off secretly, and reached Boonsborough on the thirtieth, a journey of one hundred and sixty miles, during which I had only one meal. I found our fortress in a bad state, but we immediately repaired our flanks, gates, posterns, and formed double bastions, which we completed in ten days. One of my fellow prisoners escaped after me, and brought advice, that on account of my flight, the Indians had put off their expedition for three weeks.

"About the first of August, I set out with nineteen men, to surprise Point Creek town on Scioto, within forty miles of which we fell in with forty Indians going against Boonsborough. We attacked them, and they soon gave way without any loss on our part.

"The enemy had one killed and two wounded. We took three horses and all their baggage. The Indians having evacuated their town, and gone altogether against Boonsborough, we returned, passed them on the sixth, and on the seventh, arrived safe at Boonsborough.

"On the ninth, the Indian army, consisting of four hundred and forty-four men, under the command of Captain Duquesne, and eleven other Frenchmen, and their own chiefs, arrived and summoned the fort to surrender. I requested two days' consideration, which was granted. During this we brought in through the posterns all the horses and other cattle we could collect.

"On the ninth, in the evening, I informed their commander, that we were determined to defend the fort while a man was living. They then proposed a treaty—they would withdraw. The treaty was held within sixty yards of the fort, as we suspected the savages. The articles were agreed too and signed; when the Indians told us, it was their custom for two Indians to shake hands with every white man in the treaty, as evidence of friendship. We agreed to this also. They

immediately grappled us to take us prisoners, but we cleared ourselves of them, though surrounded by hundreds, and gained the fort safe, except one man, who was wounded by a heavy fire from the enemy.

"The savages now began to undermine the fort, beginning at the watermark of Kentucky river, which is sixty yards from the fort; this we discovered by the water being made muddy by the clay. We countermined them by cutting a trench across their subterraneous passage. The enemy discovering this by the clay we threw out of the fort, desisted. On the twentieth of August, they raised the siege, during which we had two killed and four wounded. We lost a number of cattle. The loss of the enemy was thirty-seven killed, and a much larger number wounded. We picked up one hundred and twenty-five pounds of their bullets, besides what stuck in the logs of the fort.

"In July, 1779, during my absence, Colonel Bowman, with one hundred and sixty men, went against the Shawnees of old Chillicothe. He arrived undiscovered. A battle ensued, which lasted until ten in the morning, when Colonel Bowman retreated thirty miles. The Indians collected all their strength, and pursued him, when another engagement ensued for two hours, not to Colonel Bowman's advantage. Colonel Harrod proposed to mount a number of horses, and break the enemy's line, who at this time fought with remarkable fury. This desperate measure had a happy effect, and the savages fled on all sides. In these two engagements we had nine men killed and one wounded. Enemy's loss uncertain. Only two scalps were taken.

"June twenty-third, 1780, five hundred Indians and Canadians under Colonel Bird, attacked Riddle and Martain's station, and the forks of Licking river, with six pieces of artillery. They took all the inhabitants captives, and killed one man and two women, loading the others with the heavy baggage, and such as failed in the journey were tomahawked.

"The hostile disposition of the savages caused General Clark, the commandant at the falls of the Ohio, to march with his regiment and the armed force of the country against Pickaway, the principal town of the Shawnees, on a branch of the Great Miami, which he attacked with great success, took seventy scalps, and reduced the town to ashes, with the loss of seventeen men.

"About this time, I returned to Kentucky with my family; for during my captivity, my wife thinking me killed by the Indians, had transported my family and goods on horses, through the wilderness, amid many dangers, to her father's house in North Carolina.

"On the sixth of October, 1780, soon after my settling again at

Boonsborough, I went with my brother to the Blue Licks, and on our return he was shot by a party of Indians, who followed me by the scent of a dog, which I shot and escaped. The severity of the winter caused great distress in Kentucky, the enemy during the summer having destroyed most of the corn. The inhabitants lived chiefly on buffalo's flesh.

"In the spring of 1782, the Indians harassed us. In May they ravished, killed and scalped a woman and her two daughters near Ashton's station, and took a negro prisoner. Captain Ashton pursued them with twenty-five men, and in an engagement which lasted two hours, his party were obliged to retreat, having eight killed, and four mortally wounded. Their brave commander fell in the action.

"August eighteenth, two boys were carried off from Major Hoy's station. Captain Holder pursued the enemy with seventeen men, who were also defeated, with the loss of seven killed and two wounded. Our affairs became more and more alarming. The savages infested the country and destroyed the whites as opportunity presented. In a field near Lexington, an Indian shot a man, and running to scalp him, was himself shot from the fort, and fell dead upon the ground. All the Indian nations were now united against us.

"August fifteenth, five hundred Indians and Canadians came against Briant's Station, five miles from Lexington. They assaulted the fort, and killed all the cattle round it; but being repulsed, they retired the third day, having about eighty killed; their wounded uncertain. The garrison had four killed, and nine wounded.

"August eighteenth, Cols. Todd and Trigg, Maj. Harland and myself, speedily collected one hundred and seventy-six men, well armed, and pursued the savages. They had marched beyond the Blue Licks, to a remarkable bend of the main fork of Licking river, about forty-three miles from Lexington, where we overtook them, on the nineteenth. The savages observing us, gave way, and we, ignorant of their numbers passed the river. When they saw our proceedings, having greatly the advantage in situation, they formed their line of battle from one end of the Licking to the other, about a mile from the Blue Licks. The engagement was close and warm for about fifteen minutes, when we, being overpowered by numbers, were obliged to retreat with the loss of sixty-seven men, seven of whom were taken prisoners. The brave and much lamented Colonels, Todd and Trigg, Maj. Harland, and my second son, were among the dead. We were afterward informed, that the Indians, on numbering their dead, finding that they had four more killed than we, four of our people they

had taken were given up to their young warriors, to be put to death after their barbarous manner.

"On our retreat, we were met by Col. Logan, who was hastening to join us with a number of well-armed men. This powerful assistance we wanted on the day of battle; the enemy said, one more fire from us would have made them give way.

"I can not reflect upon this dreadful scene without great sorrow. A zeal for the defense of their country led these heroes to the scene of action, though with a few men, to attack a powerful army of experienced warriors. When we gave way they pursued us with the utmost eagerness, and in every quarter spread destruction. The river was difficult to cross, and many were killed in the flight—some just entering the river, some in the water, others after crossing in ascending the cliffs. Some escaped on horseback, a few on foot; and being dispersed every where, in a few hours brought the news of this melancholy battle to Lexington. Many widows were now made. The reader may guess what sorrow filled the hearts of the inhabitants, exceeding any thing that I am able to describe. Being reinforced, we returned to bury the dead, and found their bodies strewed every where, cut and mangled in a dreadful manner. This mournful scene exhibited a horror almost unparalleled—some torn and eaten by wild beasts; those in the river eaten by fishes; all in such a putrid condition that no one could be distinguished from another.

"When Gen. Clark, at the falls of Ohio, heard of our disaster, he ordered an expedition to pursue the savages. We overtook them within two miles of their town, and we should have obtained a great victory, had not some of them met us when about two hundred poles from their camp. The savages fled in the utmost disorder, and evacuated all their towns. We burned to ashes Old Chillicothe, Pickaway, New Chillicothe, and Willstown; entirely destroyed their corn, and other fruits, and spread desolation through their country. We took seven prisoners, and fifteen scalps, and lost only four men, two of whom were accidentally killed by ourselves. This campaign damped the enemy, yet they made secret incursions.

"In October, a party attacked Crab Orchard, and one of them, being a good way before the others, boldly entered a house, in which were only a woman and her children, and a negro man. The savage used no violence, but attempted to carry off the negro, who happily proved too strong for him, and threw him on the ground, and in the struggle the woman cut off his head with an ax, while her little daughter shut the door. The savages instantly came up and applied their tomahawks to

the door, when the mother putting an old rusty gunbarrel through the crevice, the savages immediately went off.

"From that time till the happy return of peace between the United States and Great Britain, the Indians did us no mischief. Soon after this the Indians desired peace.

"Two darling sons and a brother I have lost by savage hands, which have also taken from me forty valuable horses, and abundance of cattle. Many dark and sleepless nights have I spent separated from the cheerful society of men, scorched by the summer's sun, and pinched by the winter's cold, an instrument ordained to settle the wilderness.

"DANIEL BOONE."

"*Fayette county, Kentucky.*"

GEN. JOHN TIPTON.

THE subject of this sketch has been noticed as the Ensign hero of Capt. Spencer's company, at the battle of Tippecanoe. He was about the medium hight, well set, short face, round head, low wrinkled forehead, sunken grey eyes, stern countenance, good chest, stiff sandy hair, standing erect from his forehead. I found him chairman of the Committee on Indian Affairs, when I joined him in the Senate, a position he was eminently qualified for, having been for many years Indian agent, and well acquainted with most of the Western tribes. The General was a man of great energy of character; was one of the original projectors of the Wabash and Erie Canal, the longest canal in the world. We lived in different parts of the State. I was only slightly acquainted with him when we met in the Senate. He was frank, confiding, and open as a colleague. We differed politically, but our social intercourse was never marred a moment on that account; we concurred fully on all leading measures we thought calculated to benefit the State, among them was the purchase of the great Miami Reservation on the upper Wabash. The treaty ceding this reservation to the United States came up for ratification in executive session; we apprehended no difficulty in the matter, but, to our surprise, Senator Niles, of Connecticut, raised the objection, that the lands, by the terms of the treaty, would cost the United States two dollars and fifty cents an acre; that they would be taken possession of by squatters and pre-empted the moment the treaty was ratified, at one dollar and twenty-five cents, and the United States would lose fifty per cent. upon the price paid for the lands. Gen. Tipton met the position with all his power, and I said something on the subject; we tried to place the question upon more enlarged views of the duty of the United States to extinguish the Indian title; that the State of Indiana was not to be prejudiced by the delay of the General Government to extinguish the title to the Miami lands, until they had become so valuable. After we had said all that occurred to us, the vote on the ratification was taken, when all the Senators, except the two Indiana Senators, and the two Illinois Senators, answered "*No.*" Instead of two-thirds of the Senate, we had just *four*, all in favor of the ratification. The Senate adjourned, the General was deeply mortified. We met in the evening at his room. I suggested that we would propose an amendment, fixing the minimum of these lands at two dollars and fifty cents per acre, and exempting them from the operation of the pre-emption laws in force; after some time the General consented that I should draw up the amendment ready to be offered a day or

two afterward in executive session. I requested Senator Niles to move a reconsideration of the vote, which he did; the motion carried without a count, the amendment was offered, and adopted unanimously; the vote taken on the ratification of the treaty, as amended, and carried without a single negative voice. Gen. Tipton was a most faithful Senator, always in his seat, ready to vote. He was not what is called an eloquent debater, still he was plain and strong as a speaker. He saw the question clearly, and marched directly at it without any rhetorical flourishes. He was a strong, if not an eloquent debater, and was always formidable upon the subject he had in charge, and he seldom, or never interfered with the business of others, beyond a silent vote. The General left the Senate four years before my term expired. We parted warm friends; with the last grasp of my hand, as he bid me farewell, his voice choked, and the tears ran down his manly cheeks. I never saw him afterward. His remains repose in the cemetery at Logansport, on the banks of the Wabash. Peace to the brave dead.

ALBERT S. WHITE.

Was the successor of General Tipton. We served together during the balance of my term. Mr. White was a small, spare man, of delicate constitution, a native of New York, thin visage, prominent features, large nose, narrow breast. He was a ripe and good scholar, a fine speaker, always prompt and vigilant. He served but a single term. I understand that he is now enjoying himself at his prairie home in White county, far removed from city and political life, where I leave him for the present, and say a word about another distinguished ex-senator.

JOHN PETTIT.

Judge Pettit was a large, fleshy man, below the common hight, heavy breast, broad chest and shoulders, large head, inclined to baldness, capacious brain, strong full voice. He was a good lawyer, at one time District Attorney of the United States. Judge Pettit was but a short time United States Senator, but was quite prominent while there. He possessed talents of a high order. The manner of Judge Pettit, as a speaker, was not at first very prepossessing, but he gained upon his audience as he progressed, and before he closed he was heard with close attention. Since the expiration of his Senatorial term, he has acceptably discharged the duties of circuit judge, and is now on the bench, in fine health.

HENRY L. ELLSWORTH.

Let my right hand forget her cunning, before I forget my long-cherished friend, Henry L. Ellsworth, of Lafayette. Mr. Ellsworth is one of nature's noblemen. He is a son of Chief Justice Oliver Ellsworth, a brother of Governor William Ellsworth, of Connecticut, and father of Henry W. Ellsworth, our late *Charge d' Affaires*, at Stockholm. Mr. Ellsworth was for many years Commissioner of the Patent Office, at Washington City, and without disparagement to others, it may be truly said that there never has been a more efficient head to that important department; ever at his post, with a mind especially adapted to that position, inquiring and intelligent, courteous and gentlemanly in his intercourse with all persons visiting the office on business, or for curiosity. He was respected and beloved by all. These remarks can only be appreciated by those who have visited the Patent Office at Washington City, and seen the crowd of visitors who daily flock to that most interesting department, standing as it does, in my opinion, a thousand degrees above any private museum in the world, and worthy to be seen for days, by every citizen of the United States. When I am at Washington City, I devote my little spare time in the great deposit of the curiosities of nature and art. There Mr. Ellsworth was as completely at home as he now is, on his extensive prairie farms, looking over the waving corn, of a thousand acres in a single field. He will long be remembered by the farmers of the United States, as the person who gave the first impetus to the agricultural bureau, in the Patent Office, which has already done so much in the distribution of the seeds of every clime, among the people of the United States. I have known Mr. Ellsworth long and intimately, and I can say truthfully, that there are few men that I have ever known, who have squared their lives like him, by the golden rule. Long may he live to enjoy on earth his well-earned reputation.

GENERAL SAMUEL MILROY.

Among the first men of early Indiana, was the subject of this sketch. He was a native of Pennsylvania, settled on the Wabash, in the county of Carroll, among the first; soon became one of the prominent men in that part of the State. He held many important offices, was many years a State Senator. He was a man of great, good common sense, always a safe and prominent legislator, of much influence in the body. General Milroy was not an orator, but he spoke plainly, clearly, well, always confining himself to the question under discussion. Indiana has lost few more prominent men than General Samuel Milroy. How rapidly are our great men passing away.

SAMUEL W. PARKER.

INDIANA has produced few such men as the subject of this sketch. Samuel W. Parker was a student and graduate with John B. Weller, of California, at the Miami University, Oxford, Ohio. He was a ripe scholar. Mr. Parker studied law, and was licensed to practice at Connersville, where I first saw him. He was a slim, flaxen-headed stripling, light eyes and brows, large white forehead, good features, head erect, the step quick and firm. He rose rapidly at the bar, until he stood among the first of his age. He was clear, strong, able, before the jury; his voice was of great volume, when he brought it up to its full pitch. He always threw himself bodily into the cause of his client, making it his own. On the stump, as a public speaker, he stood high with his party; few men, of his age, have made so many public political speeches, of so much power. He was an ardent Union Whig. After ably serving his county in the State Senate, he was twice triumphantly elected a Representative in Congress from his district. While in Congress, the health of Mr. Parker was very delicate, still he took part in many of the important debates, in which he placed himself among the best of the speakers of the House. Mr. Parker is in good health living in his fine Whitewater mansion, adjoining Connersville, where I resided, before I left the Whitewater Valley, to make my home at the capital. The extracts from one of his Congress speeches, will give the reader some idea of Mr. Parker's style, and will be otherwise interesting:

"Nearly a quarter of a century ago, I was traveling over that mighty wilderness without a wood that stretches away from my own State, through Illinois, toward the setting sun. From early morning until near the closing in of the evening, I was out upon that great plain, without the sight of tree, or bush, or shrub, to indicate a spot where the pioneer's camp-fire might be kindled for rest and refreshment, and where he might again take his latitude and departure for the long-sought site of his intended home. You may well suppose that it was a tedious day, and, as it wore to its close, full of anxiety.

"And now, sir, after listening to the counsels and following the lead of others so long, in passing over the Grand Prairie—if you will allow the figure—of this debate, and having at length obtained the floor, I feel like I were approaching 'the timber'—about to emerge from the wildering waste, where, by noting the course of the streams, the range of the hills and the moss upon the trees, as the pioneer

does, I may determine my present position, and 'blaze' the way I would travel.

"I stand here committed to the support of the adjustment measures, and because I so stood before my constituents, it was, above all other things, that they sent me here. And, sir, before them, I established for myself that test as the 'qualification' for *my* candidate for the Presidency, let him be presented to me by a National Convention, or in any other mode. But, sir, I do not go to a National Convention to learn what my politics, my principles, my obligations to my country are. I claim the privilege, as an American citizen, as a Whig, to adjust those matters for myself. I am very sure I shall allow no such irresponsible body to do it for me. I tolerate that body in doing one thing for me, and only one, because I can not do it myself. When there are two or more *pretenders* for the Presidency among those whom I deem my political friends, I allow them to do whatever such a body may do—to clear the field of all who would be general officers, but one, and to place the banner of our hosts in his hands. I am a Whig. Am I now understood?

"Now, Mr. Chairman, my friend from Georgia either confounds the Fugitive Slave law with the Constitution, or else he misrepresents—without design, I know—the position of the great mass—the millions of the North. Sir, you know the sentiments upon this floor. We have all manner of spirits here. But I think I might call up the members of this House now, and not one single gentleman, North or South, would answer and say that he stood upon this question as the gentleman from Georgia has laid it down. Where is the man at the North who denies the Constitutional right of the South to reclaim their fugitive slaves? That was the proposition, and it was argued as such. Sir, I know the Northern people. My destiny was cast with them. It is with them now. I never spent three days where slavery existed by law, until I came to this capital last winter—never. I know those people too well to believe, for one moment, that doctrines of that kind are entertained among them. Sir, there are not to be found in this broad land hearts truer to the Constitution, in all its spirit, compromises and requisitions, than are to be found throughout this whole North to which the gentleman refers. That will never be disputed—no, never, where that people are known. Our Southern brethren may dismiss their fears, and we beg them to do so. They greatly misapprehend the North.

"Mr. Chairman, we may as Whigs forego the great cardinal articles of our faith. We may permit the veto, the one-man power,

to demolish and override, with imperial prowess, the Representatives of the people in Congress. We may endure the oppression of the toiling millions of our own countrymen, by holding them down in the homeless, penniless, breadless poverty and thraldrom of the forlorn subjects of European princes, throwing no kind arm of protection around their industry, and see our country bled and exhausted into hopeless bankruptcy and ruin, as it would be, were it not for the yet unexhausted resources of its virgin soil, its opulent mines, and the irrepressible energies of our people. We may tolerate the shameful inconveniences, the fatal disasters, springing from a criminal neglect to improve our national harbors, lakes, and rivers, where hecatombs of our people, with their wealth, are annually engulphed—calamities more to be dreaded than ocean pirates, highwaymen or bandit hordes; but the union of our States, the brotherhood of sections, the harmony of our people, are essential to our national existence. We may not forego this. Peace and harmony within are essential to all associations of men. And even

'Devils with devils damned firm concord hold.'

"So you will mark that, sir; no man shall have my vote for the Presidency unless he stands firm on the ground of the Compromise.

"Twenty-three years ago, when I went to the State of Indiana, before this calamitous excitement had sprung up between the free and the slave States, there was a deep interest there as elsewhere, which pervaded the whole community, in regard to the lamentable condition of the free black man; and the people seemed on the point of repealing some of the 'black laws,' enlarging their liberties, and giving them many powers and privileges which they had not. But this unfortunate question arose—and what has been the consequence? Sir, Mr. Clay never made a truer remark than he did to the people of my district ten years ago—when he told the congregated thousands that met and greeted him there, that this slavery agitation had put back the cause of emancipation fifty years!"

The House being in the Committee on the Whole on the state of the Union—Mr. PARKER said:

"I would address myself gladly, on this occasion, if I could, to all my fellow-citizens of the South, to all of the North. I am of neither the North or the South; but still I am from a free State—one baptized as such, and sanctified, I hope, by the glorious Ordinance of 1787, in which I think I have cause for exultation—I am sure I have still greater cause in the fact that I come here from the Great Northwest.

"Mr. Chairman, I have sometimes contemplated that marble group,

at once beautiful and sublime, which rests upon one of the projections of the eastern portico of this Capitol, and thought I saw a patriotic embodiment there, which probably did not occur to the fervid fancy of the artist. That stalwart pioneer, with gigantic proportions, a brave heart, strong hands, and the bearing of a hero, is no inapt representation of that section of this confederacy whence I come. See how he holds in his mighty grasp, harmless as an unweaned child, those two savage arms, one pointing *South*, and the other *North*, each armed with the implements of death. The fond mother as she bends over her sleeping child, fears no evil; and so securely are they protected, that the watch-dog looks kindly on!

"Sir, should the time ever come—which may God in his mercy forbid!—that the fell demon of discord shall call out his legions from the South to conflict with those of the North, that good genius of the Mighty West will be there and see that the Union receive no detriment. The spirit that dwells in that virgin land is not of the *South* alone, nor of the *North* alone, but of both—of all—it is, and will ever be of the Union! There, sir, it occurs to me, are cradled up pre-eminently the hopes of the Union. There if any where on this continent, is the anchor-ground for the good ship, in which the fathers freighted all of government that is dear to us—when the tempests of faction shall have mingled the ocean and the sky. That region is already the happy home of the one-fourth of all our millions; it will be the still more happy home, I trust, of unnumbered millions yet to spring up there, and pour in there from the earth's ends. Sir, such another home for Freedom the blessed sun of Heaven never shone upon.

> "'Oh, 'tis a noble heritage, that goodly land of ours!
> It boasts, indeed, nor Gothic fane, nor ivy-mantled towers.
> But then its interlinking lakes; its forests wild and wide;
> And streams, the sinews of its strength, that feed it as they glide;
> Its rich primeval pasture grounds, fenced by the stooping sky;
> And mines of treasure yet undelved that 'neath its surface lie;
> Magnificent materials! How hath the hand of man
> Been following out the vast design of the eternal plan!
> Oh, surely, a high destiny which we alone can mar,
> Is figured in the horoscope where shines *that* risen star!'

"Let the country look *there*, and be in strong hope in the hour of its deepest peril.

"I would invite the attention of all who hear me, of all my countrymen, if I could, to the obvious conservatism that must be garnered there, arising from the nativities of the inhabitants, as shown by the late census tables. 'Men out of every nation under heaven' are there,

as if gathered to the world's Pentecost. Let me give you a few items as to my own State, and, *ab uno disce omnes.*

"I say nothing now of the 54,426 natives of foreign lands, who are not with us by the accident of birth, but because they loved our homes and institutions so well they could sunder the thousand tender ties of kindred and friends and fatherland, to come and dwell among us, and who say unto us from the depths of honest and happy hearts, 'thy people shall be my people.' But look to the American born. Of these, there were, in 1850, 541,079 native Indianians, out of an aggregate population of 988,416 souls. Of the residue, there were 10,646 from New England; 24,310 from New York, 7,837 from New Jersey; 44,245 from Pennsylvania; 10,177 from Maryland; 41,819 from Virginia; 33,175 from North Carolina; 4,069 from South Carolina; 12,734 from Tennessee; 68,651 from Kentucky. The aggregate from all the free States among us was 213,727. The aggregate from all the slave States was 176,575.

"Sir, does not this exhibition furnish an inhabitant of that region for near forty years a catholic voucher to speak on this occasion as a Union man? If these multiplied thousands from the free States and from the slave States of this Union, be now of Indiana—the thousands very nearly balanced too—who, I pray you, may plead for the Union *now*, and *here*, if one from that heart of the Great West may not? Controlling affections bind these thousands from the older States to Indiana now. But where are their other innumerable and strong affections entwined? Where are 'the old folks at home,' of the many, very many, sons and daughters from those other States, whose hearts are warmly throbbing there? Where the brothers and sisters, the early friends of those sons and daughters? Where the enchanting scenes of their childhood, which fond memory never forgets? Where the graves of their ancestors, and the dear relatives and early friends, 'loved and lost?' Sir, those affections run out like adamantine radii, to every spot where Americans have found a home, over all this blessed Union, binding all its parts together with the strongest cords of earthly love. And you will only dissolve that Union—make foreign States of those now joined together, when you hear *our* heart-strings break!

"Now, sir, where does the path of wisdom lead us? It is said that the act of 1820 is no compromise, is no compact; that it has no more binding effect than any other law. The last generation did not say so—we never did, prior to the year 1854. But grant it; we all must acknowledge that it was an act of peace, and being such, whatever else it may or may not be, shall we destroy it? I would not give

myself to that work for the wealth of the continent. Why, sir, all our law-books tell us that twenty years of quiet and uninterrupted occupancy, under claim of title, will settle the title in the occupant. This has been the soil of Freedom, nearly double that number of years, and Slavery, who alone could question the title, put the occupant in possession. He marked the boundary himself; said he yielded it forever. And there in your statute-book is the evidence of the act, the bond binding it all. Sir, a forcible ejectment of Freedom now, to let Slavery enter, seems to me the most stupendous outrage that could ever occur where laws are made, and where Christians live. We do not treat our own savages thus.

"Mr. Chairman, it seems to me eminently just and proper to submit this question to the people before we act upon it here. They are the fountain of all our power—for them we act. So momentous a matter as this should have their consideration before it has our determination. In this aspect of the case, it is without a parallel in the history of our legislation, if we assume to dispose of it now. But sir, the people *will* look to it; we can not 'crush it out' of their cognizance. Our action will but serve to inflame them; and woe betide him in the free States on whom their fires fasten. Those fires will convert all to cinder where they go, as they do in those 'primeval pasture-grounds' of ours, when they catch and ride upon the wing of the wind. Do gentlemen say it is right in principle, and therefore, we will pass the bill regardless of consequences? I say it is wrong in principle, and as such it should be resisted. But admit the principle to be right, it may be established in a wrong manner, a wrong time and place. We all love money. It is right to acquire it in an honest way; but, it is wrong to take a bribe—the wages of sin—to murder and rob for gain. My purpose is not to employ strong language offensively to any one; but to make my point the more readily palpable.

"Now sir, let me refer the committee to a memorable speech of Mr. Clay. It was made very unexpectedly by him near twelve years ago, in my district, and in the presence and hearing of some acres of my constituents. He was passing from the State of Ohio to the capital of my own State, in fulfillment of a long-promised visit. At the city of Richmond, in my district, where the masses for many years had almost idolized him, he was intercepted by an immense multitude. He stopped and addressed them at length, in those thrilling and patriotic strains that he alone could use. As he was about retiring from the stand, a gentleman, with a taste I shall not characterize, as the organ of the Abolitionists, presented to him a petition, numerously signed, *praying the man* to manumit his slaves. At the time, I had a seat by

his side, saw and heard all that passed, and will carry the scene vividly before me as long as I live. His friends, Governors Crittenden and Metcalf, of Kentucky, also sat near him. Mr. Clay threw out the lengthened roll, handed it to a friend to be read aloud to the multitude, and as the reading progressed he was obviously most profoundly moved. His friends seemed anxious and desirous to speak to him; but with flushed face, flashing eye, and his whole form dilated, he turned aside his friends, and in one of his own mighty moods, arose again, self-poised, self-sufficient, and for near half an hour poured forth a volume of such rich and patriotic eloquence as was never surpassed, even by him, before. Go read it, gentlemen of the North and of the South, in the volume of his speeches; bind it to your heart of hearts, and love your *whole* country as you may, you will love it better then. Would to God the old patriot were living and here, to speak for me and all of us this day! But, 'though dead, he yet speaketh.' Hear him briefly on this occasion:

"'I desire no concealment of my opinion in regard to the institution of slavery. I look upon it as a GREAT EVIL, and deeply lament that we have derived it from the parental Government, and from our ancestors. But here they are: and the question is, how can they be best dealt with? *If a state of nature existed, and we were about* TO LAY THE FOUNDATION OF SOCIETY *no man could be more strongly opposed than I should be to incorporate the institution of slavery among the elements.*'

"Sir that is precisely the work on which we are now engaged. Where 'a state of nature' now exists; on a virgin soil, where a slave never trod, though *savages* have roamed there from the 'primal morn,' we are 'about to lay the foundation of society' for the millions of civilized and Christian people that will soon congregate there for a home forever for themselves and their children. What ought we to do?

"Turning from the slavery feature of this controversy, let me implore you, gentlemen of the committee, to lay no rude hand on the compromise of 1820. Its illustrious authorship invokes our reverence; time has sanctified it. The tranquillity it has shed upon the whole country should embalm it in our affections. I have shown how firmly rooted, and yet how antagonistic, are the slavery sentiments of the North and of the South. They can not be eradicated now. They may be never. If we be wise then, we will turn our backs upon this great trouble. Yes sir, as the sons of Noah covered their drunken father—we will seize the mantle of all the compromises, and walking backward, throw it over this enormous shame of our 'LAND OF THE FREE.'

"Where is this thing leading us? What is to be the result? The gentlemen from Georgia and North Carolina (Messrs Stephens and

(Clingman), tells us to pass this bill, and henceforth all slavery agitation 'will speedily subside!' Gentlemen, do not deceive yourselves; reject this bill; spurn it from among us; tread it under your foot as you would

> 'the fruit
> Of that forbidden tree, whose mortal taste
> Brought death into the world and all our woe,
> With loss of Eden.'

"And then, if you continue to stand by the Compromise of 1850, as you told us you would, we may have peace. We had it to an almost unexampled degree, 'when this serpent entered our bowers.' We must not shut our eyes to the future. The storm that has been howling through these Halls, and over the country, for the last few months, is but the first gentle whisperings of the tempest that will soon be upon us, if we pass this bill.

"But, Mr. Chairman, should we be unmindful of our interests and tranquillity at home, our mission of peace and good will toward all the world, should our wickedness and madness here stir up the great deep of the Union, and cover us all over in a night of storms, I do not believe the good vessel our fathers built, so often tried and always strong, will go to pieces. No sir, the celestial omens that cheered the day when honest hearts, clear heads, and strong hands launched her forth on the world's wide sea, and have made gloriously luminous all her voyage thus far, will not leave us now. When the blasts of sectional strife shall bellow loudest, when the waves of fiery faction shall be leaping up like hell-dogs all around to devour us; then, sir, a voice will be heard above the storm from our own *Great West*, calling out to the friends of the Union every where: 'Be of good cheer, it is I, be not afraid!' and there will be a great calm, though wrecks may be seen all around dripping with blood.

"No sir, the Union will survive, it will never be dissolved. The free States, rich in all the elements of happiness and power, will surely never attempt it. The slave States can never combine for a purpose so suicidal. One or more States, North as well as South may withdraw, but many more than the fathers began with, will cling to each other with hooks of steel, and triumphantly ride out a world of storms. Should an individual State ever desire to withdraw from the Union, we will say to her, as 'Abraham said unto Lot, let there be no strife I pray thee, between me and thee, and between my herdmen and thy herdmen; for we be brethren; separate thyself, I pray thee from me.' Should less than a State attempt revolution, we will know how to dispose of them. Yes sir, *we will hang the rebellious traitors.*

"Mr. Chairman, for more than a quarter of a century I have had

my eyes on this movement, this struggle between *freedom and slavery*, with an anxiety that has never slumbered. This last evolution, and the reception it has met with, the time and the temper of the public mind, satisfy me now that we have arrived at the point of a decisive crisis. Yes sir, of that I am as confident as I can be of any event shrouded in the future. Repeal the Missouri Compromise by this bill, which opens the way for slavery just as freely into Oregon, Washington, Minnesota, Utah and New Mexico, as into Kansas and Nebraska, and one of two extremes will surely follow:

"The free States will not submit. You will make a gulf between them and the slave States, deep and wide as that which separates the rich man from Lazarus; you dash into the free States a reagent that will precipitate and crystallize all their anti-slavery elements into one solid, compact and indissoluble mass; you build up an omnipotent party there, that will heed no voice but the will of the majority under the Constitution. They will grind to powder every compromise outside of that instrument; that sweet voice of conciliation will charm no more; they will abolish the inner State and coastwise slave-trade, slavery in the District of Columbia; they will throw a wall for freedom, high as heaven and deep as hell, around the States where slavery now exists, never admitting another into the Union, and around all the Territories, excluding it forever therefrom. The absolute will and power of the majority here will be henceforth the rule of action. Such, sir, I sincerely believe will be the result. It will be but 'an even pace' with the spirit of all the civilized world, except it may be, where slavery yet has a home on this continent.

"Or, on the other side, the free States will fret a while, will *slump* and acquiesce. That, the slave States certainly expect. I must confess I have heard before of the gradual debauchery of the mind and conscience. 'Nathan said unto David, thou art the man.' Human nature is always the same. The *principle* will have been settled that the slave owner can not enjoy his *just* and *free*, and *equal* rights as an American citizen, unless he can carry and keep his slave-property with him in all the common territory of the Union. That yielded as his unquestionable right, the abstract right is much stronger, that he should be allowed to go in like manner, into all the States 'where men most do congregate,' go upon our own soil wherever the national ensign, the stars and stripes are unfolded. *Form* alone will then be in the way. That will dissolve like flax before the flame; and ten years will not transpire before slavery will be tolerated in every State in the Union. If the free States are ready for this, I am not; nor do I believe they are."

JOHN M'PHERSON BERRIAN.

The subject of this sketch was among the most accomplished and talented Senators from the entire South. He was Attorney General in the Cabinet of General Jackson, and for many years Senator from Georgia. He was one of the prominent Southern conservatives that separated from the Jackson party upon the bank and currency question. I had the pleasure of an intimate acquaintance with Mr. Berrian for six years, and I can cheerfully say, as he is no longer with us, that a more accomplished gentleman I never met. His mind was of a high order, well trained by long study for the discussion of legal as well as questions in the Senate. Like the other great men of the body, he always came to the question thoroughly prepared, and consequently was very formidable. His manner was easy; gestures fine; voice musical, little of the Southern fire of declamation; the words flowed from him in measured sentences, with proper emphasis, to give the intended force to his language. He was one of the most exemplary men in word, act, and deed I ever knew, strictly temperate and ever at his post. As a debater he was more like Silas Wright, of New York, than any other Senator. Mr. Berrian was in person about five feet ten, spare built, large head, with a high capacious forehead, dark hair and eyes, wide mouth, fine features. He was a warm, personal, and political friend of Henry Clay. He made many able speeches in the Senate, extracts from several of which I would like to present to the reader, but must content myself with a few from his great speech on the limitation of the veto power of the President. Mr. Berrian, with many other Senators, including the author of these sketches, was opposed to the required *two-thirds* vote, to overrule the veto, and in favor of the *majority* vote being sufficient, placing the question substantially on the ground of the Constitution of Indiana.

"Mr. President: Before I proceed to assign the reasons which will induce me to vote in favor of this resolution, I desire to exclude from the discussion certain considerations which do not appear to me legitimately to belong to it. And first, sir, the reference which has been so repeatedly made by gentlemen who have preceded me, to the *tribunitian power of Rome*, seems to me to be entirely inappropriate, and not calculated to aid us in the correct solution of the present inquiry. Between the veto power of the President of the United States and that which was exercised by the Roman tribunes, there is an entire want of analogy. In its *origin;* in its *duration;* in its *singleness;* in the existence of an *antagonist interest*, against which it was intended

to afford protection; and in the *plurality of persons*, to whom it was confided—in all these particulars it is not only variant from, but in absolute contrast with, the power which is conferred on the President of the United States. A brief reference to them will serve to explain my view of this want of analogy.

"1. The tribunitian power of Rome originated in a *popular tumult*, and was extorted by *plebeian* discontent, from the fears of an *aristocratic* Senate. It had its origin in violence, and was the result of a struggle between two distinct and opposite interests, which were permanently antagonistic to each other. The veto power of the American President was *peaceably* conferred by the framers of the Constitution, themselves representing one great, one undivided interest, that of the whole American people.

"2. The Roman tribune was elected *annually*. If he exercised his powers unwisely and injuriously to the interests of those who conferred it, a corrective was found in his annual accountability. The abuse of the power was not necessarily of long duration. The President of the United States is elected for the term of *four years*. The abuse of the veto power, nay even its improvident exercise by him, in the commencement of his career, may subject seventeen millions of people to years of suffering.

"3 The tribunitian power of Rome *stood alone* and *unconnected with any other*. He who wielded it, was set apart for that important service. The Roman tribune held no other office, the interest connected with which might tempt him to abuse his power. Under our Constitution, it is an *an accumulation of power, in the highest officer of the Government*. The President of the United States, who wields the sword, and practically holds the purse; who is charged with the execution of all the laws, and who dispenses all the patronage of the Government; and who is, moreover, Constitutionally re-eligible to the same high office, is made the sole depository of this additional power.

"4. The Roman tribune was the *chosen representative of the plebeians of Rome*. His office was instituted, and his power was conferred for their protection against the antagonist interest of a permanently distinct order of citizens, the Patricians of Rome, in whom the whole legislative power was vested. Here we have no distinct classes, no privileged orders; we have, on the contrary, an entire equality of political rights—and among these, the right to participate personally in the exercise of legislative power belongs to all classes of our citizens. Legislation is not here the act of a hereditary Senate, whose members constitute a distinct, permanent, and privileged order. Its powers are exercised by the representatives of the same common con-

stituents, by whom the President is chosen. They are, themselves, a portion of the people, chosen by and from among them, alike subject with all others, to the laws which are enacted; and when the brief hour of their official existence has passed away, they return to, and become part of, the constituency which they have been deputed temporarily to represent.

"5. But again. The power of the veto, as it was established in Republican Rome, was not entrusted to a single will. The Roman tribunes were originally two, afterward five, and subsequently ten in number, and he who enunciated the veto must first obtain the concurrence of his colleagues. Here the veto power is emphatically an unit. Among seventeen millions of people, *one man is its sole depository;* he speaks, and the legislative voice is silenced. I do not dilate these reflections. It is sufficient to state them, to show the entire diversity, nay, the absolute contrast which exists between the question which we are assembled to consider, and that which was presented to the Roman statesman. I mistake, sir. The diversity is not entire—the contrast is not absolute. There are, as I will endeavor to demonstrate before I sit down, two points of minute resemblance. The tribunitian power of Rome was, in its origin, a simple *negative;* but in process of time, it drew to itself the *initiative* power, that of preparing laws, as well as forbidding them. This is the first point of resemblance between the Tribunitian and the Presidential power. It is sufficiently exact—and the other is not less so. This guardian and champion of plebeian right—this pure and perfect emanation of popular will—the actual afflatus of the genuine democracy of ancient Rome, by the concurring testimony of historians, produced a series of evils greater in number, infinitely exceeding in their magnitude, those which it was established to prevent.

"Mr. President, we shall gain as little instruction, on the subject of our inquiry, by an examination of the veto power, as it is found in the existing governments of Europe. In the structure of those governments, in the condition of their people, there is a total want of analogy to the government and the people of the United States. Take the case of England, for example. The King is there a branch of the legislature. His duties are not merely executive, but he is also a component part of the legislative power. Parliament can not assemble without him, and may be prorogued or dissolved at his pleasure. In the language of English commentators, on the Constitution of that kingdom, speaking with reference to that Parliament, the King is *caput, principium, et finis* of that great corporation, and body politic. But, again; the people of England are divided into

separate classes, orders, and estates, which are permanently distinct, each class having its own peculiar interests, which may habitually conflict with those of every other, or of some other class. These are represented as classes, in the Parliament of Great Britain, which consists of the King, the Lords, temporal and spiritual, and the Commons. If the interests of a hereditary aristocracy, or of an established Church, should lead to an invasion of the rights of the great body of the people, the House of Commons interposes the shield of its defense. If the rights of the aristocracy, or of the Church, are assailed by the representatives of the people, these noble Lords come to the rescue. And beyond and above all these, in solitary and sullen omnipotence, is another portion of the legislative power, vested in the monarch, whose single will restrains the action of all the other estates in the kingdom.

"I speak of the theory of the British Constitution, not of the practical operation of the government. Here, in the United States, all legislative power is vested in Congress. The President does not participate in it. His duties are strictly and exclusively executive. I speak here again of Constitutional theory, and not of practical result. We have no distinct orders, no antagonist, political interests, specially represented in the National Legislature, which is composed of the *common Representatives* of a *common constituency*. Finally, sir, this utter want of analogy is rendered most obvious by a comparison of the power of the British Parliament with that of the American Congress. That of the former has been expressed by figured speech, which some have considered too bold, the *omnipotence* of Parliament; but the objectors concede all that is material to the present discussion, when they admit it to be true, 'that what the Parliament doth, no authority on earth can undo.' It has power to make, to expound, and to repeal laws, without other limit than that which is imposed by natural impossibility. It wields that absolute despotic power which, it is said, must reside somewhere in all governments. It is not limited to ordinary legislation, acting under, and in subjection to, the Constitution; but it may deal with the Constitution itself, according to its absolute and uncontrollable will and pleasure. It can regulate, and new-model the succession to the crown, as it did in the reign of Henry VIII., and of William III. It can alter the established religion; it did so in several instances, in the reign of the former monarch, and in those of his immediate successors. It can change the Constitution of the kingdom, and of Parliament itself, as was done by the act of Union, and the successive establishment of triennial and septennial Parliaments. Such is the British Parliament. It is not an ordinary

Legislature, acting under a fixed and permanent Constitutional law, from which it can not depart; it is a permanent convention of the three estates of the kingdom, holding the Constitution itself in its keeping, which it may fashion according to its will. The security of such a government, so far as security is attained, consists in giving to each separate estate, not a qualified, but an absolute check upon the others; of the Lords and Commons upon each other, and of the monarch upon both; this last to be exercised through the medium of the veto power, or of those other sources of influence which the power and resources of the crown enable it to acquire.

"The American Congress is a Legislature exercising limited powers, clearly specified, and accurately defined, in a written Constitution, from which they may not depart, and representing constituents, between whom there is an entire equality of rights and community of interests. There is thus, in Great Britain and the United States, not only a want of analogy, but there exists an absolute contrast between those circumstances which can properly enter into the consideration of this question. The examination of the veto power as it exists in England, can not therefore aid our present inquiry. Excluding, then, from our consideration, all these irrelative topics, let us meet the real issue. Let us not withhold from the people the true and only question which is proposed to submit to their determination. That question is: *How* and to *what extent* ought the veto power to be limited? The opponents of the resolution say, that the single will of the President ought to control the united wills of any number of the Senate and House of Representatives, less than two-thirds of each. The advocates of the resolution contend, that the united wills of a majority of all the Senators and Representatives elected to Congress, expressed at one and re-affirmed at the next subsequent session, after deliberately considering the reasons of the President, and after personal intercourse with their constituents, during the recess, ought to prevail over the single will of the President. Mr. President, I found my objection to the veto power, as it now exists, on these two propositions.

"1. All legislative powers granted by the Constitution are vested in Congress; none, therefore, can legitimately belong to the President. If in the practical operation of the Government they have been so vested, they have been seduced from their original depositary, and the purpose of the framers of the Constitution has not been realized, but has been frustrated.

"2. *The practical operation of the Presidential veto, is to turn the Legislative power from the halls of Congress, to the Executive chamber.*

I speak of the *efficient*, not of the *formal* power. Congress may retain the latter. The formal process of enacting laws may still be carried on in this, and in the other end of the Capitol. Laws may still purport to be enacted by the Senate and House of Representatives of the United States of America, in Congress assembled; but *the efficient power of legislation will reside elsewhere*, for the *veto* power though *limited in form*, has *become absolute in fact*.

"But, sir, it is, moreover, the direct and inevitable tendency of that power, in its repeated and uncontrolled exercise, to *transfer* the *initiative* from the Legislature to the Executive.

"It was the manifest intention of the framers of the Constitution to give to the President a negative upon the legislation of Congress, which shall be *limited*, not *absolute*.

"In the practical operation of the Government, this power has proved to be *absolute*, not *limited*. Divided as the people of the United States are, and in all time to come will be into parties approaching to equality, on prominent political questions, the President of the United States, by the possession of the veto power, as it now exists, is enabled, first, to restrain, then to control, and finally to direct the public will. His will is substituted for their will, and practically on subjects of the greatest interest, and, therefore, productive of the greatest excitement, *the legislative power of the country bends to the will, and acknowledges the resistless sway of one man*. Is this desirable? Is it consistent with the spirit of our institutions? Does the Democracy, the real Democracy of the country, desire it? If so, I bow, as becomes me to their behest. But in the exercise of my rights as a free citizen, in the discharge of my duty as an American Senator, I have felt that it was both my right and my duty thus to expose it, in its nakedness, to their view."

JOHN G. DAVIS.

The subject of this sketch is one of the prominent men of the Wabash Valley. Early associated with Gen. Howard and Gov. Wright, he became an ardent Democrat, and a devoted friend of those distinguished men. Mr. Davis is in person tall and slim, full six feet high, light hair and eyes, wide mouth, prominent features, high, retreating forehead. He is possessed of a high order of talents, was an active and energetic member of Congress, and has recently been elected to the next Congress from his district. As a speaker he is plain, practical, animated, forcible, speaking directly to the question, and is always heard with marked attention. Mr. Davis made several able speeches in Congress. I give an extract from one on the Pacific Railroad, to show his style, which will be interesting to the reader.

"In my judgment, sir, no question of public policy has ever been agitated among the people, or brought before the American Congress, for its deliberation and action, more momentous in its character or consequences, or which, if successful, is calculated to result in greater practical and lasting benefit to the entire country, than the proposition to unite the Atlantic and Pacific oceans by a railway across the continent. It is, therefore, no matter of surprise, that the American people should look forward, with such deep anxiety and solicitude, to the result of our deliberations upon the subject.

"Sir, the idea of constructing a railway across the continent was, but a few years since, regarded by the masses as a wild, visionary, and Utopian scheme, having no better foundation for its feasibility than the fanciful imaginations of the distinguished gentleman from Missouri [Mr. Benton], Asa Whitney, of New York, and a few other early pioneers in the movement. In fact, sir, that class of men, who fold their arms, and quietly sit down in the belief that human skill, science, and improvement have reached the utmost limit of perfection; who always hang as an incubus upon the skirts of progress and advancement in every thing calculated to add wealth, greatness, and grandeur to our common country, and who instinctively resist, with a zeal worthy of a better cause, every attempt to improve the moral, social, political, or commercial condition of their fellow-men, were skeptical alike of the practicability of the project, and of the common sense of the projectors, whom they viewed as visionary innovators.

"But, sir, time, which tries all things, has done its work, and the project of a railroad to the Pacific is no longer viewed as a visionary or impracticable scheme. The North American mind has not been

idle or inactive. The people have read, thought, investigated, and become convinced. That voice which, but a few years ago, was weak and effeminate, is now strong and resistless in its favor. The power of reason, truth, and justice has finally triumphed over doubt and skepticism; and now, instead of a solitary voice here and there in favor of the necessity and practicability of the enterprise, we find the people, East, West, North, and South, with a unanimity hitherto unknown, in favor of the project. This voice, this sentiment, has found its way into Congress, and demands of the Representatives of the people legislative action—prompt, but calm, cautious, prudent action. And, sir, should this session terminate without our having first matured and adopted some practical and Constitutional plan for its early commencement and execution, we shall return among our constituents without a plausible excuse for the neglect of a high and paramount duty, and disappoint their just hopes and expectations.

"The National Legislature has been from time to time, appealed to by memorials from more than twenty State Legislatures (among which is that of my own State), by large and respectable conventions and meetings in every portion, and embracing among the signers men distinguished alike by their talent, their energy, and their influence, all urging legislative action upon the subject. Prior, however, to the last session, these appeals have been unheeded. A deaf ear has been turned to these unmistakable evidences of popular sentiment, except by favorable reports (resulting in no practical action), by committees of the Senate and House.

"Fortunately, however, the aspect of things has changed for the better, and I congratulate the country that we have met here again under more favorable auspices. A brighter day has dawned upon the project, and the doubt and uncertainty which cast a gloom over the hopes of its friends, are fast giving away before the power of truth, and the lights of argument and investigation; and, although the sequel may prove me no prophet, I feel confident, from the indications around me, that a majority of this committee are in favor of giving legislative aid and encouragement to this noble enterprise.

"The Pacific railway is the most gigantic enterprise the world has ever known, and, once completed, is destined to revolutionize the trade, travel, and commerce of the earth. But, magnificent as is the project, devoted as I am to its success, and grand and beneficial as will unquestionably be its results, I shall consent to no extravagant or reckless legislation; to the exercise of no doubtful Constitutional power, in order to accomplish it; and if, unfortunately, it shall so turn out that, without this system of legislation and exercise

of doubtful power, the work must fail, it can never receive my support. In the language of President Pierce, 'We can afford to wait, but we can not afford to overlook the ark of our safety.'

"Mr. Chairman, before this, or any other bill can receive the sanction of a majority of this committee, there are a number of important inquiries to be first satisfactorily answered; the three most prominent of which are:

"1st. Does the public interest require the construction of the road?

"2d. Where shall it be located?

"3d. How, by what means, and by whom shall it be built?

"And to these points I shall mainly direct my remarks, and respectfully ask the attention of the committee.

"First, then, does the public interest require its construction? I answer, without hesitation, affirmatively.

"Sir, I can well remember, and I am comparatively a young man, when members of this House came here from the West on horseback—a long and perilous journey—occupying several weeks. In those days Western merchants had to adopt the same tedious method of travel to and from the Atlantic cities, while they were compelled to transport to the West their stocks of merchandise by the still slower process of the wagon and the flatboat. But what a change has been wrought, by the construction of railroads, in a few years, in the facility and rapidity of travel and inter-communication. In fifty hours this Capitol can be reached from the most remote parts of the country, east of the Rocky Mountains. Construct this road to the Pacific, and the journey from the Atlantic cities to the city of San Francisco can be made in less than six days, and the entire circuit of the earth can be accomplished in ninety-three days! These are facts, sir, which must commend themselves to our favorable consideration.

"Sir, the construction of the proposed road is required by every consideration of duty and interest. It will give employment to a great number of persons throughout the country, who are now engaged in pursuits less profitable.

"Settlements and cultivation will follow the work, and that vast belt of country on either side of the road from the Mississippi to the Pacific will, on its completion, become densely settled with an industrious, hardy, and enterprising population. Our agricultural and mineral resources will also become developed, and civilization, enterprise and wealth will rise up in that country which is now wilderness and waste.

"It will open an outlet for the surplus productions of the interior to the markets of our Pacific States, China, India, etc., on the one side, and Europe on the other.

"But suppose we become involved in a war with a foreign Power (and such may be the fact, at no very distant period, if there be any truth in the signs of the times); our interest, our duty, and our national honor alike require us to protect and defend our possessions on the Pacific coast, from attack and invasion. How could this best be done? By transporting your men and munitions of war by the slow and tardy way of Panama or Tehuantepec, exposed to the hostile attack of the enemy, and at the expense of millions of money, and the sacrifice of comfort and life? By the overland route, most of the way through a wilderness country, requiring four or five months to perform the journey, at a like sacrifice of money, health, comfort, and life? No, sir, construct this road through territory belonging to and under the control of our own citizens, and your armies from the Atlantic and Western States can reach in safety the city of San Francisco in six or seven days, healthy, fresh, and vigorous for duty, and with but comparatively trifling cost to the Government. Sir, with our present means of communication and intercourse with them, it would cost this Government more to defend and protect our Pacific States in a war of two years' duration, with any formidable power, than the entire cost of constructing this road from the Mississippi to San Francisco.

"Again, such a road would not only facilitate our mail communications with the Pacific States, but reduce the time between the Atlantic and Pacific from thirty to six days, and enable the Government to dispense with the present odious and abominable ocean mail service, so dangerous and destructive to human life, and which is costing the country millions of dollars annually.

"It will also afford easy, safe, and rapid facilities for visiting our kindred and friends in that distant country; and bind the States of this Union, East and West, in bonds of fraternal brotherhood as enduring as the snow-capped mountains which now separate them.

"This road, when completed, is destined to become the great thoroughfare of nations, revolutionizing the commerce of the world. It will, sir, enable the United States to command the carrying trade between Europe and China, with all its resulting advantages to our citizens. These are not declarations merely, but a careful examination of a map of the world, and our geographical position, with a knowledge of the cost, time, and risk of the present mode of intercourse between these nations, can not fail to convince the judgment of any gentleman who will take the time and pains to look into them. But, sir, I must leave these important facts and deductions as to the probable effects of the completion of this road to abler and more learned statisticians,

who may follow me in this debate, and will pass on to the consideration of my second inquiry, with the simple remark, that I have omitted many important reasons why this road is demanded by the best interests of the country, and have searched in vain for a reason why it should not be constructed.

"The entire length of the road from the western boundary of Missouri to the Pacific, will be more than two thousand miles, through an uninhabited wilderness, passing through mountain gorges, and over trackless deserts; penetrating a country where, but a few years ago, it was supposed the foot of the white man would never tread. It will require more than one hundred millions of dollars to construct it. All the aid the Government will furnish, and all the private capital which may be induced to seek it as an investment, will be required to complete this single road. Hence, sir, no bill looking to the immediate construction of more than one road by the aid of the Government can receive my support.

"Several routes have been advocated by their respective friends, each claimed as possessing superior advantages over the others. The most prominent of these routes are:

"First, Whitney's route. This commences at some point on the lakes —say at Chicago, and passing through Iowa, crosses the Rocky Mountains at the South Pass, in latitude 42°, thence to the head waters of the Columbia river, the course of which it follows to the Pacific ocean. This route, however, may be regarded as abandoned, and the one recently explored by Gov. Stevens, under the direction of the Secretary of War, substituted, from the head waters of the upper Mississippi, near St. Paul, to Puget's Sound on the Pacific. This is properly called 'the northern route,' because it has its eastern terminus at a point accessible to the northern and northwestern States, and not to other parts of the Union. It passes through a northern climate exclusively, and is therefore liable to all the objections, which can be urged to a railroad through such a climate on account of cold weather, deep snows, etc. But the great objection to it is, that in a great many respects, it is local in its character; being at one extreme of the Union. It has not enough of *nationality* about it. But there is another insurmountable objection to it. Puget's Sound, or even the mouth of the Columbia river, is too far north for a direct trade with Asia, and San Francisco is upon a direct line. Again, San Francisco is the commercial emporium of the Pacific coast, and has no rival in Oregon; therefore San Francisco is the point at which this road should strike the Pacific. Again, one great object to be accomplished by this road, is to bring the Atlantic States in direct communication with the gold regions.

This can not be accomplished either by a road down the valley of the Columbia, or to Puget's Sound; for it does not pass through or near them. To reach these regions, the road must be further south.

"Secondly, the San Diego or Gila route. This route has its eastern terminus at some point in the southwestern part of the United States — say at Texas, and passes across the Rio Grande, at or near Paso del Norte; from thence to the Gila river, the course of which it follows upon the southern bank (the purchase of which is provided for in the late Gadsden treaty) to the point about 114° of west longitude; thence across to the valley between the Sierra Nevada and the Pacific, and up that valley to San Francisco. There is also another eastern terminus proposed for this route; that is at Memphis, in the State of Tennessee; from which point it is proposed to run the road to Santa Fe, in New Mexico, across the plains from the Arkansas river, and down the valley of the Rio Grande to Paso del Norte, from which point the route will be the same as the last named one. This is the *southern* route. While this route is free from the objections which lie against the northern one, on account of snows, etc.; it is liable to precisely the same on account of its want of *nationality*. It is too far south. Between these two routes there must be one of a more *national* character; more accessible to the different parts of the whole country, and combining all the advantages that are to be gained by a railroad to the Pacific. And this, in my judgment, is the route that has its eastern terminus near the mouth of the Kansas river, and running through some pass in the Rocky Mountains, between the two routes already mentioned, and passing westward, through the Sierra Nevada, to San Francisco. This is the *central* route. It is not liable to the objections which are justly urged against both the other routes. It is neither at one or the other extreme of the Union, but has its eastern terminus near the center, whether we look to the *geographical* or *commercial* center.

"Sir, if you draw a direct line from the cities of New York or Philadelphia to San Francisco, it will pass near the mouth of the Kansas river, varying in its whole course less than two degrees of latitude. If you place your eye upon the map, and look at the lines of railroad already constructed and in progress throughout the United States, and uniting the Atlantic sea-board with the interior, it will be seen that they almost all point to the center of the northwestern States. This is because it is the great grain-growing region, the natural granary of the world. The laws which regulate trade and commerce produce this result. These roads are built by private enterprise and capital, because the heavy trade of this section of the Union, and the constant increase

of its population and wealth, give the highest reward to both enterprise and capital.

"Again, sir, St. Joseph, on the western line of Missouri, is not far distant from the mouth of the Kansas river. The great chain of railroad from Philadelphia, running due west through Harrisburgh, Pittsburg, Columbus, Indianapolis, Springfield and Hannibal to St. Joseph, a distance of 1200 miles, connecting the capitals of Pennsylvania, Ohio, Indiana and Illinois, and thence through the richest portion of Missouri, is now in a state of rapid progress, and bids fair to be completed in the next two years. Hence this central route will be directly connected with other roads running through nearly all the States of the Union, so that it will be perfectly accessible from any and every part of it. In reference to its accessibility from other points of commercial importance in the country, it is greatly superior to either of the other routes. It has already been shown, that the main lines of railroad communication from Boston, New York and Philadelphia to the West, are tapped at various points by other roads from the most important commercial portions of the Union. Now, sir, if the Pacific road is commenced near the mouth of the Kansas river, in order to reach any pass through the Rocky Mountains south of the South Pass, it must pass through the great plain between Missouri and New Mexico, and across the head waters of the Arkansas river. At this point, or some other point in the neighborhood, a glance at the map will show it is easily accessible to branch roads from Chicago, Memphis and New Orleans.

"In the month of October, 1849, a convention of the friends of the Pacific Railroad was held in the city of St. Louis, in which the following States were represented by 835 delegates, to-wit: Missouri, Illinois, Indiana, Kentucky, Pennsylvania, New York, Ohio, Iowa, Wisconsin, Michigan, Virginia, Tennessee, New Jersey and Louisiana. Among the delegates to this convention, I find the names of some of our most distinguished statesmen. The question of route was discussed for several days, and angry and sectional feelings were manifested. At one period of its deliberations it was supposed the convention would be compelled to adjourn without having come to any definite understanding. At this critical period of its progress, my predecessor, Hon. Richard W. Thompson, proposed the following resolutions:

"'*Resolved*, That, in the opinion of this convention, it is the duty of the General Government to provide, at an early period, for the construction of a central *national* railroad from the valley of the Mississippi to the Pacific ocean.'

"'*Resolved*, That, in the opinion of this convention, a grand trunk

railroad, with *branches* to St. Louis, Memphis, and Chicago, would be such a central and national one.'

"These resolutions were *unanimously* adopted. Here, then, sir, is the unanimous expression of able and practical representatives from fourteen States of this Union in favor of but one grand trunk *central* railroad. I trust that this House will be quite as unanimous in the settlement of this question.

"And lastly, sir, how, and in what manner, and by whom, shall this road be built? This is the most difficult question to solve of all. The Constitutional power of the Government to construct this road was admitted by the last Congress in making the appropriation of money at the last session to defray the expenses of surveying the various routes, etc. President Pierce, in his message, in speaking of this road, says:

"'That the Government has not been unmindful of this heretofore, is apparent from the aid it has afforded, through appropriations for mail facilities and other purposes. But the general subject will now present itself under aspects more imposing and more purely national, by reason of the surveys ordered by Congress, and now in process of completion, for communication by railway across the continent, and wholly within the limits of the United States.'

* * * * * * *

"'The power to declare war, to raise and support armies, to provide and maintain a Navy, and to call forth the militia to execute the laws, suppress insurrections, and repel invasions, was conferred upon Congress as a means to provide for the common defense, and to protect a territory and population now wide-spread and vastly multiplied. As incidental to, and indispensable for the exercise of this power, it must sometimes be necessary to construct military roads and protect harbors of refuge. To appropriations by Congress for such objects no sound objection can be made.'

* * * * * * * *

"'The magnitude of the enterprise contemplated has aroused, and doubtless will continue to excite, a very general interest throughout the country. In its political, its commercial, and its military bearings, it has varied, great, and increasing claims to consideration. The heavy expense, the great delay, and, at times, fatality attending travel by either of the Isthmus routes, have demonstrated the advantage which would result from inter-territorial communication by such safe and rapid means as a railroad would supply.

"'These difficulties, which have been encountered in a period of peace, would be magnified and still further increased in time of war.

But while the embarrassments already encountered, and others under new contingencies to be anticipated, may serve strikingly to exhibit the importance of such a work, neither these, nor all considerations combined, can have an appreciable value, when weighed against the obligation strictly to adhere to the Constitution, and faithfully to execute the powers it confers. Within this limit, and to the extent of the interest of the Government involved, it would seem both expedient and proper, if an economical and practicable route shall be found, to aid, by all Constitutional means, in the construction of a road which will unite, by speedy transit, the populations of the Pacific and Atlantic States.'

"The President thus fully recognizes the necessity and importance of the work; and, within the limits therein expressed, and to the extent of the interest of the Government involved, considers it expedient and proper for the Government to aid, by all Constitutional means, in its construction.

"The Secretary of War, in his late report to Congress, in speaking of this road, says:

"'No work for artificial communication has ever exceeded it in extent and physical difficulty. Its execution, however, is within the means and power of the American people.'

"Again:

"'If I seem to have pressed the magnitude of the obstacles to a successful execution of the contemplated work, it has not been to suggest the abandonment of the undertaking, but only to enforce the propriety of much caution in the preliminary steps, and the necessity of concentrating all the means which can be made available to the completion of so gigantic a project.'

"These extracts are sufficient to show that Secretary Davis is in favor of the prosecution of the work, and that he does not regard it as unconstitutional. He is known to the country as a strict constructionist, and his opinions are, therefore, entitled to the highest consideration.

"The Constitutional power of Congress to construct works of this kind (national in their character) has long since been conceded by our ablest statesmen.

"But this question is relieved from all Constitutional doubt because the road will pass exclusively through the Territories of the United States until it strikes the California line—a distance of more than sixteen hundred miles. No one doubts the power of the Government to construct roads for military purposes through the Territories. The Constitutional power to do this has been exercised each session of Con-

gress since I have had the honor of a seat here, and perhaps since the formation of the Government.

"How far the Government, as a matter of expediency, ought to make appropriations of money to construct such roads through its Territories I am not prepared to say. The bill before us appropriates $600 per mile per annum to the persons who may contract to build the road for the use of the same by the United States for postal, military, naval, and all other Government purposes, as well in time of war as of peace, for a term of years. This is clearly Constitutional, and I am not prepared to say that it is not both right and expedient.

"The bill further provides for a grant of lands in alternate sections on each side of the road to aid in its construction. This grant is in accordance with numerous precedents, and the established practice of the Government, and is entirely free from Constitutional objections. Sir, I look to this grant of land, and the private enterprise of the country, as the real and substantial sources from whence the means are to come to accomplish this work. I am willing to grant all the lands asked for by this bill; and, if that shall be found insufficient, to make a still more liberal grant. By this means the Government instead of making a contribution, would actually be the gainer. Who can doubt that the alternate sections reserved to the Government would find a ready sale at double their minimum value? No one, sir, who has any knowledge of the practical working of this system. Grants of this kind have been made by Congress to aid in the construction of roads of doubtful utility and insignificant when compared with this vast enterprise.

"The Government is the owner of fourteen hundred millions of acres of land, unsettled, uncultivated, in a state of nature. It is her clear and manifest interest to hold out every reasonable inducement for their settlement and cultivation. My doctrine now is, and ever has been, that, after the payment of the debts for which they were pledged, they should cease to be a source of revenue to the Government. Sir, the Government ought not to be a speculator in the lands which God intended for cultivation by man. Let no one suppose that the public domain is to be exhausted soon, and that none of it be left for the hardy pioneer who goes West to seek a home for himself and his family. Such an idea would be preposterous; the next century will not dawn upon the realization of such an event. Make the calculation, and you will find that, according to the ratio of the sales for the last ten years, it will take several centuries to dispose of all these lands. Then, sir, make this grant of lands, make it liberally, and the great point has been achieved. The basis upon which this

structure is to be erected has been permanently fixed. It will give character to the work, and invite private capital at home, and from abroad, to seek investments in its stocks, promising, in the future, a profitable return to the holders.

"I have thus, Mr. Chairman, briefly alluded to the kind and extent of aid Congress ought to extend to the work. Shall the Government construct this road as a Government work? I answer, no! All experience shows that public works can be constructed by private enterprise at a cost of fifty per cent. less than they can be constructed by the Government. This is upon the principle that a prudent man always manages his own affairs more safely and economically for himself than he can by an agent. Government agents, in the expenditure of public money, too often overlook the principles of economy, and the Government becomes the victim of their faithless extravagance. The evils of this system may be seen in the history of the times from 1836 to 1841, when the State governments engaged in their vast system of improvements, which broke down, crushing under its ruins, for the time being, the hopes and energies of the people. The scenes of those years are yet fresh in our recollections, and should warn us of the dangers to be apprehended in venturing upon this perilous track.

"Sir, grant the lands, and give such incidental aid as may seem expedient and proper, without violating the Constitution. Let the work to such private companies as will undertake it on the most favorable terms, and in this way you will secure its completion in the shortest period, and on the most economical plan.

"It is, however, a matter for grave consideration whether the road, when completed, should be controlled or operated by the Government, or by the companies by whom it shall have been constructed. My present impression is, that this matter should be reserved, or, at least, not placed entirely beyond the future control of Congress. We should, at least, not surrender the right of regulating the rate of charges for the transportation of freight and passengers over it, so as to have within our control the power of protecting the people from unreasonable and oppressive taxation.

"Sir, this is a stupendous scheme. Its consummation is urged by every consideration of social, political, and commercial interest; and if it can be accomplished by Constitutional legislation, and within the general rules thus briefly expressed, it shall receive my support.

"I will say in conclusion, sir, that there is one other view of the subject which should not be entirely overlooked. It is this: Whatever we may do toward aiding in the completion of this great work,

is not like money squandered or dissipated, but like capital invested in a profitable and judicious manner. It will not be like money sunk, or lost to the country, but every dollar's worth of land will yield a handsome per cent. Under monarchical or oligarchical governments, vast sums, drawn from the hard earnings of the people, are annually wasted in the support of military establishments, designed to awe and keep in subjection the masses, or to support, in princely extravagance, a privileged class—a favorite few. In the case of this road, however, every acre of the public domain expended in its completion, will not only strengthen the bonds of our Union and increase our means of defense, but must inure to the welfare and glory of our common country.

THOMAS CORWIN.

With the exception of Henry Clay, perhaps no other civilian in the West has filled so large a space in the public mind as Thomas Corwin of Ohio. It would require a volume to sketch his biography. It is foreign to my purpose to attempt this. I speak of him as I saw and knew him personally. Mr. Corwin was a remarkable man; raised by the force of his native powers and his own exertions, without the advantages of an early education, from the indigent son of humble parents, to the high offices of member of Congress, Governor of Ohio, United States Senator and Secretary of the Treasury, in all of which high positions, he sustained himself to the entire satisfaction of the country. I need not say that he possessed talents of the very first order. As a speaker, he stood among the very first in the nation, on whatever platform he occupied, whether at the bar, on the floor of the House of Representatives, in the Senate Chamber, or on the public stands, before the thousands of his assembled countrymen. I have considered him the best and most efficient popular speaker I ever heard. He infused into his speeches by his looks and gestures a comic element, that gave point to his argument, and kept his hearers completely under his control. He always abounded in anecdotes of the right kind, and he knew just how, and when to use them. If he spoke two, three, or four hours, his speech was always too short for his audience. I knew Mr. Corwin well for many years, and I always placed him among the very first men in the nation. In the social circle, he was the life of every body around him. When I knew him in the strength of his manhood, he was straight, and erect, five feet eight inches high, well built, large round head, capacious brain, coal black hair and eyes, full face, broad full chest, dark complexion, active on his feet, lively, talkative, and ready at retort. I have before me, a number of his able speeches delivered in Congress, to select a single extract from, to show the style of this great orator, and have thought the reader would thank me for the extract I give from his speech in 1840, in reply to Gen. Crary, in the House of Representatives. I stood by during the delivery. The manner of the delivery was inimitable; the speech loses much in being put upon paper. The eyes of the House were upon Gen. Crary, he looked as if he had lost all his friends. I received a very interesting private letter from Mr. Corwin dated Cincinnati October, 12th, 1857, in which in closing he says, "my *rheumatism* prevents me from giving you further fatigue." I saw him last week screwed almost round with inflammatory rheumatism, accompanied by excruciating pain. He seemed to bear it like a philosopher.

Mr. CORWIN, of Ohio, rose and said: "Mr. Speaker, I am admonished, by the eager solicitations of gentlemen around me to give way for a motion to adjourn, of that practice of the House which accords us more of leisure on this day than is allowed us on any other day of the week. The servants of other good masters are, I believe, indulged in a sort of saturnalia in the afternoon of Saturday, and we have supposed that our kind masters, the people, would be willing to grant us, their most faithful slaves, a similar respite from toil. It is now past three o'clock in the afternoon, and I should be very willing to pause in the discussion, were I not urged, by those menacing cries of 'Go on,' from various parts of the House. In this state of things, I can not hope to summon to any thing like attention the unquiet minds of many, or the jaded and worn-down faculties of a still larger portion of the House. I hope, however, the House will not withhold from me a boon which I have often seen granted to others, that is, the privilege of speaking without being oppressed by a crowded audience, which is accompanied by this additional advantage, that the orator, thus situated, can at least listen to and hear himself.

"If you, Mr. Speaker, and the members of this House, have given that attention to the speech of the gentleman from Michigan (Mr. Crary), made yesterday, which some of us here thought it our duty to bestow, I am sure the novelty of the scene, to say nothing more of it, must have arrested your curiosity, if, indeed, it did not give rise to profound reflection.

"I need not remind the House, that it is a rule here (as I suppose it is every where else, where men dispute by any rule at all), that what is said in debate should be relevant and pertinent to the subject under discussion. The question before us is a proposition to instruct the Committee of Ways and Means to report a bill granting four hundred and fifty thousand dollars to continue the construction of the Cumberland road, in the States of Ohio, Indiana, and Illinois. The objections to the measure are, either that this Government is in no sense bound by compact to make the road, or that it is not a work of any national concern, but merely of local interest, or that the present exhausted state of the Treasury will not warrant the appropriation, admitting the object of it to be fairly within the Constitutional province of Congress.

"If the gentleman from South Carolina (Mr. Pickens), and the gentleman from Maine (Mr. Parris), who consider the Cumberland road a work of mere sectional advantage to a very small portion of the people, have attended to the sage disquisitions of the gentleman from Michigan on the art of war, they must now either come to the

conclusion, that almost the whole of the gentleman's speech is what old-fashioned people would call a '*non sequitur*,' or else that this road connects itself, with not merely the military defenses of the Union, but is interwoven, most intimately, with the progress of science, and especially that most difficult of all sciences, the proper application of strategy to the exigencies of barbarian warfare. It will be seen, that the far-seeing sagacity, and long-reaching understanding of the gentleman from Michigan has discovered that, before we can vote with a clear conscience on the instructions proposed, we must be well-informed as to the number of Indians who fought at the battle of Tippecanoe, in 1811;' how the savages were painted, whether red, black, or blue, or whether all were blended on their barbarian faces. Further, according to his views of the subject, before we vote money to make a road, we must know and approve of what Gen. Harrison thought, said, and did, at the battle of Tippecanoe!

"Again, upon this process of reasoning we must inquire, where a general should be when a battle begins, especially in the night, and what his position during the fight, and where he should be found when it is over; and, particularly, how a Kentuckian behaves himself, when he hears an Indian war-whoop, in day or night. And, after settling all these puzzling propositions, still we must fully understand how, and by whom, the battle of the Thames was fought, and in what manner it then and there became our troops, regular and militia, to conduct themselves. Sir, it must be obvious, that if these topics are germain to the subject, then does the Cumberland road encompass all the interests, and all the subjects, that touch the rights, duties, and destinies of the civilized world; and I hope we shall hear no more, from Southern gentlemen, of the narrow, sectional, or unconstitutional character of the proposed measure. That branch of the subject is, I hope, forever quieted, perhaps unintentionally, by the gentleman from Michigan. His military criticism, if it has not answered the purposes intended, has at least, in this way, done some service to the Cumberland road. And if my poor halting comprehension has not blundered, in pursuing the soaring upward flight of my friend from Michigan, he has in this discussion written a new chapter in the '*regulæ philosophandi*,' and made not our ourselves only, but the whole world his debtors in gratitude, by overturning the old worn out principles of the 'inductive system.'

"Mr. Speaker, there have been many and ponderous volumes written, and various unctuous discourses delivered, on the doctrine of 'association.' Dugald Stewart, a Scotch gentleman, of no mean pretension in his day, thought much, and wrote much concerning that

principle in mental philosophy; and Brown, another of the same school, but of later date, has also written and said much on the same subject. This latter gentleman, I think, calls it '*suggestion*;' but never, I venture to say, did any metaphysician, pushing his researches furthest and deepest, into that occult science, dream that would come to pass, which we have discovered and clearly developed — that is, that two subjects, so unlike as an appropriation to a road in 1840, and the tactics proper in Indian war in 1811, were not merely akin, but actually, identically the same.

"Mr. Speaker, this discussion, I should think, if not absolutely absurd and utterly ridiculous, which my respect for the gentleman from Michigan, and the American Congress, will not allow me to suppose, has elicited another trait in the American character, which has been the subject of great admiration with intelligent travelers from the old world. Foreigners have admired the ease with which we Yankees, as they call us, can turn our hands to any business or pursuit, public or private; and this has been brought forward, by our own people, as a proof that man, in this great and free republic, is a being very far superior to the same animal in other parts of the globe less favored than ours. A proof of the most convincing character of this truth, so flattering to our national pride, is exhibited before our eyes, in the gentleman from Michigan, delivering to the world a grave lecture on the campaigns of General Harrison, including a variety of very interesting military events, in the years 1811, 1812, and 1813. In all other countries, and in all former times, before now, a gentleman who would either speak or be listened to, on the subject of war, involving subtle criticisms on strategy, and careful reviews of marches, sieges, battles, regular and casual, and irregular onslaughts, would be required to show, first, that he had studied much, investigated fully, and digested well, the science and history of his subject. But here, sir, no such painful preparation is required; witness the gentleman from Michigan. He has announced to the House that he is a militia general on the peace establishment!! That he is a lawyer we know, tolerably well read in Tidd's Practice and Espinasse's Nisi Prius. These studies, so happily adapted to the subject of war, with an appointment in the militia in time of peace, furnish him, at once, with all the knowledge necessary to discourse to us, as from high authority, upon all the mysteries in the 'trade of death.' Again, Mr. Speaker, it must occur to every one, that *we*, to whom these questions are submitted, and these military criticisms are addressed, being all colonels at least, and most of us, like the gentleman himself, brigadiers, are, of all conceivable tribunals, best qualified to decide any nice point,

connected with military science. I hope the House will not be alarmed by an impression, that I am about to discuss one or the other of the military questions now before us at length, but I wish to submit a remark or two, by way of preparing us for a proper appreciation of the merits of the discourse we have heard. I trust, as we are all brother officers, that the gentleman from Michigan, and the two hundred and forty colonels or generals, of this honorable House, will receive what I have to say, as coming from an old brother in arms, and addressed to them in a spirit of candor,

'Such as becomes comrades free,
Reposing after victory.'

"Sir, we all know the military studies of the gentleman from Michigan, before he was promoted. I take it to be, beyond a reasonable doubt, that he had perused with great care the title page of 'Baron Steuben.' Nay, I go further; as the gentleman has incidentally assured us he is prone to look into musty and neglected volumes, I venture to assert, without vouching the fact from personal knowledge, that he has prosecuted his researches so far as to be able to know that the rear rank stands right behind the front. This, I think, is fairly inferable from what I understood him to say of the lines of encampment at Tippecanoe. Thus we see, Mr. Speaker, that the gentleman from Michigan, so far as study can give us a knowledge of a subject, comes before us with claims to great profundity. But this is a subject, which, of all others, requires the aid of actual experience to make us wise. Now the gentleman from Michigan, being a militia general, as he has told us, his brother officers, in that simple statement has revealed the glorious history of toils, privations, sacrifices, and bloody scenes, through which we know, from experience and observation, a militia officer in time of peace is sure to pass. We all, in fancy, now see the gentleman from Michigan in that most dangerous and glorious event in the life of a militia general on the peace establishment—a parade day! That day for which all the other days of his life seem to have been made. We can see the troops in motion; umbrellas, hoe and ax handles, and other like deadly implements of war overshadowing all the field, when lo! the leader of the host approaches,

'Far off his coming shines;'

his plume, white, after the fashion of the great Bourbon, is of ample length, and reads its doleful history in the bereaved necks and bosoms of forty neighboring hen-roosts! Like the great Suwaroff, he seems somewhat careless in forms and points of dress; hence his epaulets may be on his shoulders, back, or sides, but still gleaming, gloriously

gleaming in the sun. Mounted he is, too, let it not be forgotten. Need I describe to the colonels and generals of this honorable House the steed which heroes bestride on such occasions? No, I see the memory of other days is with you. You see before you the gentleman from Michigan mounted on his crop-eared, bushy-tailed mare, the singular obliquities of whose hinder limbs is described by that most expressive phrase, 'sickle hams'—her hight just fourteen hands, 'all told;' yes, sir, there you see his 'steed that laughs at the shaking of the spear;' that is, his 'war-horse whose neck is clothed with thunder.' Mr. Speaker, we have glowing descriptions in history of Alexander the Great, and his war-horse Bucephalus, at the head of the invincible Macedonian phalanx; but, sir, such are the improvements of modern times, that every one must see, that our militia general, with his crop-eared mare, with bushy tail and sickle ham, would literally frighten off a battle-field, an hundred Alexanders. But, sir, to the history of the parade day. The general thus mounted and equipped, is in the field and ready for action. On the eve of some desperate enterprise, such as giving order to shoulder arms, it may be, there occurs a crisis, one of the accidents of war which no sagacity could foresee or prevent. A cloud rises and passes over the sun! Here an occasion occurs for the display of that greatest of all traits in the character of a commander, that tact which enables him to seize upon and turn to good account, events unlooked for, as they arise. Now for the caution wherewith the Roman Fabius foiled the skill and courage of Hannibal. A retreat is ordered, and troops and general, in a twinkling, are found safely bivouacked in a neighboring grocery! But, even here, the general still has room for the exhibition of heroic deeds. Hot from the field, and chafed with the untoward events of the day, your general unsheaths his trenchant blade, eighteen inches in length, as you will well remember, and, with an energy and remorseless fury, he slices the watermelons that lie in heaps around him, and shares them with his surviving friends. Other of the sinews of war are not wanting here. Whisky, Mr. Speaker, that great leveler of modern times, is here also, and the shells of the watermelons are filled to the brim. Here again, Mr. Speaker, is shown how the extremes of barbarism and civilization meet. As the Scandinavian heroes of old, after the fatigues of war, drank wine with the skulls of their slaughtered enemies, in Odin's Halls, so now our militia general and his forces, from the skulls of melons thus vanquished, in copious draughts of whisky, assuage the heroic fire of their souls, after the bloody scenes of a parade day. But alas, for this short-lived race of ours, all things will have an end, and so even is it with the glorious

achievements of our general. Time is on the wing, and will not stay his flight; the sun, as if frightened at the mighty events of the day, rides down the sky, and at the close of the day when 'the hamlet is still,' the curtain of night drops upon the scene,

'And glory, like the phenix in its fires,
Exhales its odors, blazes, and expires.'

"Such, sir, has been the experience in war of the gentleman from Michigan. We know this from the simple announciation that he is and has been a brigadier of militia in time of peace. And now, having a full understanding of the qualifications of our learned general, both from study and practice, I hope the House will see, that it should give its profound reflection to his discourses on the art of war. And this it will be more inclined to, when we take into view, that the gentleman has, in his review of General Harrison's campaigns, modestly imputed to the latter great mistakes, gross blunders, imbecility, and even worse than this, as I shall show hereafter. The force, too, of the lecture of our learned and experienced friend from Michigan, is certainly greatly enhanced, when we consider another admitted fact, which is, that the general whose imbecility and errors he has discovered, has not, like the gentleman from Michigan, the great advantage of serving in watermelon campaigns, but only fought fierce Indians, in the dark forests of the West, under such stupid fellows as Anthony Wayne, and was afterward appointed to the command of large armies, by the advice of such an inexperienced boy as Governor Shelby, the hero of King's Mountain.

"And now, Mr. Speaker, as I have the temerity to entertain doubts, and with great deference to differ in my opinions on this military question with the gentleman from Michigan, I desire to state a few historical facts concerning Gen. Harrison, whom the general from Michigan has pronounced incapable, imbecile, and, as I shall notice hereafter, something worse even than these. Gen. Harrison was commissioned by Gen. Washington an officer of the regular army of the United States in the year 1791. He served as an aid to Gen. Anthony Wayne, in the campaign against the Indians, which resulted in the battle of the Rapids of the Maumee, in the fall of 1794. Thus, in his youth, he was selected by Gen. Wayne as one of his military family. And what did this youthful officer do in that memorable battle of the Rapids? Here, Mr. Speaker, let me summon a witness merely to show how military men may differ. The witness I call to controvert the opinion of the gentleman from Michigan is Gen. Anthony Wayne. In his letter to the Secretary of War, giving an account of the battle of the Rapids, he says:

"'My faithful and gallant Lieutenant Harrison rendered the most essential services, by communicating my orders in every direction, and by his *conduct and bravery*, exciting the troops to press for victory.'

"Sir, this evidence was given by Gen. Wayne, in the year 1794, some time, I imagine, before the gentleman from Michigan was born, and long before he became a militia general, and long, very long, before he ever perused the title page of Baron Steuben. Mr. Speaker, let me remind the House, in passing, that this battle and victory over the Indian forces of the Northwest, in which, according to the testimony of Gen. Wayne, 'Lieutenant Harrison rendered the most essential services, by his conduct and bravery,' gave peace to an exposed line of frontier, extending from Pittsburgh to the southern borders of Tennessee. It was, in truth, the close of the war of the Revolution; for the Indians who took part with Great Britain in our Revolutionary struggle never laid down their arms, until after they were vanquished by Wayne, in 1794.

"We now come to see something of the *man*, the *general*, whose military history our able and experienced general from Michigan has reviewed. We know, that debates like this have sometimes been had in the British Parliament. There, I believe, the discussion was usually conducted by those in the House, who had *seen*, and not merely *heard* of service. We all know that Colonel Napier has, in several volumes, reviewed the campaigns of Wellington, and criticised the movements and merits of Beresford, and Soult, and Massena, and many others, quite, yes, I say, *quite* as well known in military history as any of us, not even excepting our general from Michigan. We respect the opinions of Napier, because we know he not only *thought* of war, but that he *fought*, too. We respect and admire that combination of military skill, with profound statesmanlike views which we find in 'Cesar's Commentaries,' because we know the 'mighty Julius' was a *soldier*, trained in the field, and inured to the accidents and dangers of war. But, sir, we generals of Congress require no such painful discipline to give value to our opinions. We men of the 19th century know all things intuitively. We understand perfectly the military art by nature. Yes, sir, the notions of the gentleman from Michigan agree exactly with a sage by the name of 'Dogberry,' who insisted that 'reading and writing come by nature.' Mr. Speaker, we have heard and read much of 'the advance of knowledge, the improvement of the species, and the great march of mind,' but never till now have we understood the extent of meaning in these pregnant phrases. For instance, the gentleman from Michigan asserts that Gen. Harrison has none of the qualities of a general, because, at the battle of

Tippecanoe, he was found at one time at a distance from his tent, urging his men on to battle. He exposed his person too much, it seems. He should have staid at his tent, and waited for the officers to come to him for orders. Well, sir, see now to what conclusion this leads us. Napoleon seized a standard at Lodi, and rushed in front of his columns, across a narrow bridge, which was swept by a whole park of German artillery. Hence, Napoleon was no officer; he did not know how to command an army. He, like Harrison, exposed his person too much. Oh, Mr. Speaker, what a pity for poor Napoleon, that he had not studied Steuben, and slaughtered watermelons with us natural-born generals of this great age of the world! Sir, it might have altered the map of Europe; nay, changed the destinies of the world!

"Again: Alexander the Great spurred his horse foremost into the river, and *led* his Macedonians across the Granicus, to rout the Persians who stood full opposed on the other side of the stream. True, this youth conquered the world, and made himself master of what had constituted the Medean, Persian, Assyrian, and Chaldean empires. Still, according to the judgment of us warriors by nature, the mighty Macedonian would have consulted good sense, by coming over here, if indeed, there were any *here* hereabouts in those days, and studying, like my friend from Michigan, first Tidd's Practice, and Espinasse's Nisi Prius, and a little snatch of Steuben, and serving as a general of militia awhile. Sir, Alexander the Great might have made a man of himself in the art of war, had he even been a member of our Congress, and heard us colonels discuss the subject of an afternoon or two. Indeed, Alexander or Satan, I doubt not, would have improved greatly in strategy by observing, during this session, the tactics of the Administration party, on the New Jersey election question. Mr. Speaker, this objection to a general, because he *will* fight, is not original with my friend from Michigan. I remember a great authority in point, agreeing with the gentleman in this. In the times of the Henrys, 4th and 5th of England there lived one Captain Jack Falstaff. If Shakspeare may be trusted, his opinions of the art military were exactly those of the gentleman from Michigan. He uniformly declared, as his deliberate judgment on the subject, that 'discretion was the better part of valor;' and this is an authority for the gentleman. But who shall decide? Thus the authority stands.—Alexander the mighty Greek, and Napoleon Bonaparte, and Harrison, on one side, and Captain John Falstaff and the General from Michigan on the other! Sir, I must leave a question thus sustained by authorities, both ways, to posterity. Perhaps the lights of another age may ena-

ble the world to decide it; I confess my inability to say on which side the weight of authority lies.

"I hope I may obtain the pardon of the American Congress, for adverting in this discussion to another matter, gravely put forward by the gentleman from Michigan. Without the slightest feeling of disrespect to that gentleman, I must be allowed to say that his opinions (hastily, I am sure) obtruded on the House in this military question, can only be considered as subjects of merriment.

"But I come to notice, since I am compelled to it, one observation of the gentleman, which I feel quite certain, on reflection, he will regret himself. In a sort of parenthesis in his speech, he said that a rumor prevailed at the time (alluding to the battle of Tippecanoe) that Colonel Joseph H. Davies, of Kentucky, who commanded a squadron of cavalry there, was by some trick of General Harrison, mounted, during the battle, on a white horse belonging to the Gen., and that, being thus conspicuous in the fight, he was a mark for the assailing Indians, and fell in a charge at the head of his men. The gentleman says he does not vouch for the truth of this. Sir, it is well that he does not vouch here for the truth of a long-exploded slander. It requires a bold man, a man possessing a great deal of moral courage, to make even an allusion to a charge such as that, against one whose only possessions in this world are his character for courage and conduct in war in his country's defense, and his unstained integrity in the various civil offices it has been his duty to occupy. Did not the gentleman know that this vile story was known by every intelligent man west of the mountains to be totally without foundation? The gentleman seemed to appeal to the gallant Kentuckians to prove the truth of this innuendo. He spoke of the blood of their countrymen so profusely poured out at Tippecanoe, as if they would give countenance to the idea that the gallant Davies, who fell in that engagement, fell a victim to the artifice of the commanding general, and their other gallant sons who fell there, were wantonly sacrificed by the gross ignorance of Gen. Harrison in Indian warfare. Now sir, before the gentleman made this appeal, he should have remembered a few historical facts, which if known to him, as I should suppose they were to every other man twenty years of age in Western America, would make the whole speech of that gentleman little else than a wanton insult to the understanding of the people and government of Kentucky. Let us briefly notice the facts.

"In November, 1811, the battle of Tippecanoe was fought. There Col. Davies and Col. Owens with other Kentuckians fell. These, says the gentleman (at least he insinuates it), were sacrificed by either

the cowardly artifice or by the ignorance of Gen. Harrison. Now, Mr. Speaker, I abhor the habit of open flattery, nay, I do not like to look in the face of a man, and speak of him in warm terms of eulogium, however he may deserve it; but sir, on this occasion I am obliged to say, what history will attest, of the people of Kentucky. If any community of people ever lived, from the time of the dispersion on the plain of Shinar up to this day, who were literally cradled in war, it is to be found in the State of Kentucky. From the first exploration of the country by Daniel Boone up to the year 1794, they were engaged in one incessant battle with the savages of the West. Trace the path of an Indian incursion any where over the great valley of the West, and you will find it red with Kentucky blood. Wander over any of the battle-fields of that great theater of savage war, and you will find it white with the bones of her children. In childhood they fought the Indians, with their sisters and mothers, in their dwellings. In youth and ripe manhood they fought them in ambuscades and open battle-fields. Such were the men of Kentucky in 1811, when the battle of Tippecanoe was fought. There too, as we know, they were still found foremost where life was to be lost or glory won; and *there* they were commanded by Gen. Harrison. Now, sir, if in that battle Gen. Harrison had not conducted as became a soldier and a general, would not such men have seen and known it? Did Kentucky in 1811, mourning as she then did the loss of one of her greatest and most valued citizens, condemn (as the gentleman from Michigan has attempted to) the conduct of the general who commanded in that battle?

"Let us see how they testified.

"In January, 1812, two months after the battle of Tippecanoe, the Legislature of Kentucky was in session. On the 7th of January, 1812, the following resolution passed the body:

"'*Resolved by the Senate and House of Representatives of the State of Kentucky*, That in the late campaign against the Indians, upon the Wabash, Gov. William Henry Harrison has behaved like a hero, a patriot, and a general; and that for his cool, deliberate, skillful, and gallant conduct in the battle of Tippecanoe, he well deserves the warmest thanks of his country, and the nation.'

"Mr. Speaker, the resolution I have just read, was presented by John J. Crittenden, now a Senator from the State of Kentucky, whom to name is to call to the minds of all who know him, a man whose urbanity and varied accomplishments present a model of an American gentleman, whose wisdom, eloquence, and integrity, have won for him the first rank among American statesmen. Such a man, with both branches of the Kentucky Legislature, have testified, two months only

after the event took place, that in the campaign and battle of Tippecanoe, Gen. Harrison combined the skill and conduct of an able commander, with the valor of a soldier, and the patriotism of an American. Who rises up twenty-eight years afterward to contradict this? The young gentleman from Michigan! He who, at the time referred to, was probably conning Webster's spelling-book in some village school in Connecticut. But, Mr. Speaker, I must call another witness upon the point in issue here. On the 12th of November, 1811, the Territorial Legislature of Indiana was in session. This is just five days after the battle. That Legislature, through the Speaker of its House of Representatives, Gen. William Johnson, addressed Gen. Harrison in the following terms:

"'Sir: The House of Representatives of the Indiana Territory, in their own name, and in behalf of their constituents, most cordially reciprocate the congratulations of your Excellency on the glorious result of the late sanguinary conflict with the Shawnee Prophet, and the tribes of Indians confederated with him. When we see displayed in behalf of our country, not only the consummate abilities of the general, but the heroism of the man; and when we take into view the benefits which must result to that country from those exertions, we can not, for a moment, withhold our meed of applause.'

"Here, sir, we have two Legislatures of the States whose citizens composed the militia force at Tippecanoe, grieved and smarting under the loss of their fellow-citizens, uniting, in solemn council, in bearing their testimony to the skill and bravery displayed by Gen. Harrison in that battle, which the gentleman from Michigan, with a self-complacency that might well pass for insanity, now says *he* has discovered, was marked by palpable incapacity in the commanding general. But, Mr. Speaker, I must call yet another, nay, several other witnesses to confront the opinion of the Michigan general.

"In August, 1812, about nine months after the battle of Tippecanoe, news of fearful import concerning the conduct of Gen. Hull, reached Ohio and Kentucky. Our army had fallen back on Detroit, and rumors of the surrender of that place to the British, which did actually take place, were floating on every breeze. Three regiments of militia were immediately raised in Kentucky. Before these troops had taken the field, it was well known that our army under Hull, with the whole Territory of Michigan, had been surrendered to the combined British and Indian forces, commanded by Brock and Tecumseh. Our whole frontier in the Northwest lay bare and defenseless to the invasion, not only of the British army, but the more terrible invasion of a savage foe, hungry for plunder, and thirsting for blood,

led on by the most bold and accomplished warrior that the tribes of the red man had ever produced. In this state of peril, the gallant army of Kentucky looked round for a leader equal to the imminent and momentous crisis. There was Scott, the then Governor of Kentucky, who had fought through the Revolutionary war, and, under the eye of Washington, had risen to the rank of brigadier in the regular service. There, too, was the veteran Shelby, one of the heroes of King's Mountain, a name that shall wake up the tones of enthusiasm in every American heart, while heroic courage is esteemed, or lofty integrity remains a virtue. There, too, was Clay, whose trumpet-tongue in this Hall was worth a thousand cannon in the field. These were convened in council. This, let us not forget, was about nine months after the battle of Tippecanoe. Whom, sir, I ask, did these men select to lead their own friends and fellow-citizens on to this glorious enterprise? Their laws required that their militia should be commanded by one of their own citizens; yet, passing by Scott and Shelby, and thousands of their own brave sons, this council called Gen. Harrison, then Governor of Indiana—he who had commanded Kentuckians but nine months before at Tippecanoe—he who, according to the gentleman from Michigan, had shown no trait but imbecility as an officer—he, against the laws of Kentucky, was, by such a council, asked to resign his station as Governor of Indiana, and take the rank and commission of Major General in the Kentucky militia, and lead on her armies, in that fearful hour, to redeem our national disgrace, and snatch from British dominion and savage butchery the very country now represented by the gentleman from Michigan. I have yet one other witness to call against the gentleman from Michigan. Sir, if the last rest of the illustrious dead is disturbed in this unnatural war upon a living soldier's honor, and a living patriot's fame, the fault is not mine. It will appear presently that the gentleman from Michigan has — unwittingly, it may be — dishonored and insulted the dead, and charged the pure and venerated Madison with hypocrisy and falsehood. If Gen. Harrison had been the weak, wicked, imbecile thing the gentleman from Michigan would now pretend, was not this known to Mr. Madison, then President of the United States, who gave the orders under which Gen. Harrison acted, and to whom the latter was responsible for his conduct? Surely no one can suppose that there were wanting those who, if they could have done so with truth, would have made known any conduct of Gen. Harrison, at the time referred to, which seemed in any degree worthy of reprehension. With all these means of information, what was the testimony of Mr. Madison respecting the battle of Tippecanoe? I will

quote his own words from his message to Congress, about a month after the event. The message is dated 18th December, 1811, and reads as follows:

"'While it is deeply to be lamented that so many valuable lives have been lost in the action which took place on the 7th ultimo, Congress will see with satisfaction the dauntless spirit of fortitude victoriously displayed by every description of troops engaged, *as well as the collected firmness which distinguished their commander on an occasion requiring the utmost exertions of valor and discipline.*'

"Mr. Speaker, I have no pleasure in thus recapitulating and piling proof upon proof, to repel an insinuation which, I think it is now apparent to all, has been thrown out in the madness of party rage, without consideration, and founded only on a total perversion, or rather flat contradiction of every historical record having relation to the subject.

"Something was said by the gentleman from Michigan about the encampment of Tippecanoe. If I understood him rightly, he condemned it as injudicious, because it had a river on one side, and a morass on another. Now, Mr. Speaker, I shall give no opinion on the question thus stated; but it just now occurs to me that this very subject, which I think in the military vocabulary is called castramentation, admits of some serious inquiry bearing upon the criticism under consideration. In almost all scientific research, we find that what is now reduced to system, and arises to the dignity of science, was at first the product of some casualty, which, falling under the notice of some reflecting mind, gave rise to surprising results. The accidental falling of an apple developed the great law of gravitation. I am sure I have somewhere seen it stated that Pyrrhus, the celebrated King of Epirus, who is allowed by all authority to have been the first general of his time, first learned to fortify his camp by having a river in his rear and a morass on his flank; and this was first suggested to him by seeing a wild boar, when hunted to desperation, back himself against a tree or rock, that he might fight his pursuers without danger of being assailed in his rear. Now, sir, if I comprehend the gentleman from Michigan, he has against him on this point not only the celebrated king of Epirus but also the wild boar, who, it seems, was the tutor of Pyrrhus in the art of castramentation. Here, then, are two approved authorities, one of whom nature taught the art of war, as she kindly did us colonels, and the other that renowned hero of Epirus, who gave the Romans so much trouble in his time. These authorities are near two thousand years old, and, as far as I know, unquestioned, till the gentleman from Michigan attacked them yester-

day. Here again, I ask who shall decide? Pyrrhus and the boar on one side, and the gentleman from Michigan on the other. Sir, I decline jurisdiction of the question, and leave the two hundred and forty colonels of this House to settle the contest, '*non nostrum tantas componere lites.*'

"Mr. Speaker, I feel it quite impossible to withdraw from this part of the debate without some comment on another assertion, or rather intimation, of the gentleman from Michigan, touching the conduct of Gen. Harrison at the battle of the Thames. All who have made themselves acquainted with the history of that event, know that the order in which the American army was to attack the combined force of British and Indians at the Thames was changed at the very moment when the onset was about to be made. This order of the General drew forth from Commodore Perry and others, who were in the staff of the army, and on the ground at the time, the highest encomiums. The idea of this change in the plan of attack, it is now intimated, was not original with Gen. Harrison, but was, as the gentleman seems to intimate, suggested to him by another, who, it is said, was on the ground at the time. Who *that other person* is, or was, the gentleman has not said, but seemed to intimate he was now in the other end of the Capitol; and thus we are led to suppose that the gentleman intends to say that Col. Johnson, the Vice President, is the gentleman alluded to. Sir, I regret very much that the gentleman should treat historical facts in this way. If there be any foundation for giving Col. Johnson the honor of having suggested to Gen. Harrison a movement for which the latter has received great praise, why not speak out and say so? Why insinuate? Why hint or suppose on a subject susceptible of easy and positive proof? Does not the gentleman know that he is thus trifling with the character of a soldier, playing with reputation dearer than property or life to its possessor? Sir, I wish to know if Col. Johnson, the Vice President of the United States, has, by any word or act of his, given countenance to this insinuation? It would be well for all who speak at random on this subject, to remember that there are living witnesses yet who can testify to the point in question. It may not be amiss to remind some that there is extant a journal of Colonel Wood, who afterward fell on the Niagara frontier. For the benefit of such, I, too, will state what can be proved in relation to the change made by Gen. Harrison in the order of attack at the Thames.

"The position of the British and Indians had been reported to General Harrison by volunteer officers—brave men, it is true, but who, like many of us, were officers who had not *seen* a great deal of

hard fighting. On this report the order of attack first intended was founded; but, before the troops were ordered on to the attack, Col. Wood was sent to examine and report the extent of front occupied by the British troops. Col. Wood's military eye detected at once what had escaped the unpracticed observation of the others—that is, that the British regulars were drawn up in open order; and it was on his report that, at the moment, the change was made by Gen. Harrison in the order of the attack—a movement which, in the estimation of such men as Wood, and Perry, and Shelby, was enough of itself to entitle Gen. Harrison to the highest rank among the military men of his age.

"Mr. Speaker, when I review the historical testimony touching this portion of Gen. Harrison's history, I confess my amazement at the Quixotic (I pray my friend from Michigan to pardon me), but I must call it the Quixotic exhibition which he has made of himself. Sir, the gentleman had no need to tell us he was a general of militia. His conduct in this discussion is proof of that—strong even as his own word for the fact. He has shown all that reckless bravery which has always characterized our noble militia, but he has also, in this attack, shown that other quality of militia troops which so frequently impels them to rush *blindly* forward, and often to their own destruction. I should like to hear many of the brave men around me speak of Gen. Harrison. Some there are now under my eye who carry British bullets in their bodies, received while fighting under the command of General Harrison. I should be glad to hear my whole-souled and generous-hearted friend from Kentucky (Major Butler), who agrees with the gentleman from Michigan in general politics, who has not merely *heard* of battle, but who has mingled in war in all its forms, and fought his way from the ranks up to the head of a battalion—I say I should be glad to hear his opinions of the matters asserted, hinted at, and insinuated by the gentleman from Michigan.

"Why, I ask, is this attempt to falsify the common history of our country made *now*, and why is it made *here?* Is it vainly imagined that Congressional speeches are to contradict accredited, long-known historical facts? Does the fierce madness of party indulge a conception so wild?

"Sir, I repeat, that I feel only amazement at such an attempt. I could not sit still and witness it in silence. Much as I desired to speak to the House and the country on the question touching the Cumberland road, I should have left it to others, had I not been impelled to get the floor to bear my testimony against the gross injustice which I thought was about to be done to a citizen—an hon-

ored, cherished citizen of my own State. This House, Mr. Speaker, knows that I am not given to much babbling here. Yes, sir, you all know that, like Balaam's ass, I never speak here till I am kicked into it. I may claim credit, therefore, for sincerity, when I declare that a strong sense of justice alone could have called me into this debate. Let me now remind gentlemen who may be tempted into a similar course with my friend from Michigan, that all such efforts must recoil with destructive effect upon those who make them. Sir, it has been the fortune of Gen. Harrison to be identified with the civil and military history of this country for nearly half a century. What is to be gained, even to party, by perverting that history? Nothing. You may blot out a page of his biography here, and tear out a chapter of his history there; nay, you may, in the blindness of party rage, rival the Vandal and the Turk, and burn up all your books, and what then have you effected? Nothing but an insane exhibition of impotent party violence. Gen. Harrison's history would still remain in the memory of his and your cotemporaries; and coming events, not long to be delayed, will show to the world that his history, in both legislation and war, dwells not merely in the memories of his countrymen, but is enshrined in their gratitude and engraven upon their hearts.

THE TIMES.

The sailor that was cast on a desolate island, laid himself down to sleep under the shade of the trees. When he awoke he missed one of his gloves, that had been taken off his hand while he slept; after looking for it for some time, he accidentally cast his eyes into the top of the trees, where he saw a number of large monkeys; on the paw of one of them was the lost glove. After trying all the means he could think of to get it, in despair and rage he took the glove from his hand and dashed it on the ground, saying to the monkey, you have got one of my gloves, here is the other, take both, one is of no use to me. At that moment, the monkey seeing the sailor, took the glove from his paw, and with a like violent gesture threw it down; the sailor took it up and left the grove.

This simple story is introductory to the remark, that all intelligent beings are like the monkey, creatures of imitation. Nations imitate each other, from the greatest to the smallest. Men imitate each other, from the richest to the poorest. The royal eagle stoops from her mountain eyrie, and carries off the lamb of the farmer from the valley below, to feed her young eaglets; the crow, that had built her nest in the trees on the side of the mountain, thought she could imitate the royal bird, and carry up to her nest another lamb. Down she sped and fixed her claws in the wool of the intended repast for her young, but lacking the power of the eagle to rise, she became an easy prey to the farmer; so it is with nations and individuals, the weaker are the imitators of the stronger, and ninety-nine of every hundred of all the failures of nations, as well as individuals, grow out of the attempt to imitate, where the ability and power to succeed, are wanting. These remarks are preliminary to some thoughts on the times, that have been suggested by the great monetary pressure now upon us.

My views on this important subject are peculiarly my own, they are not intended to subserve party purposes, they rise higher and above party, and are given as the result of much reflection and long experience, with a deep interest in the prosperity of our common country, and the perpetuity of our glorious Union. I am aware that my views may, and no doubt will, be the subject of criticism, this matters not; the object of my remarks will be accomplished if I shall be able to call the attention of others to the subject, whether in approval or otherwise. Let us then inquire, why is it that we are in the midst of a monetary crisis? That the banks have suspended with few exceptions; that the large mercantile houses in the importing cities, lie prostrate; that many of the manufacturing establishments of the

United States are silenced, and the workmen thrown out of employ; that the arm of industry has been paralyzed; that money has become too scarce to answer the purposes of trade and commerce; that the precious metals have been driven to the strong boxes to be kept under lock and key, to be drawn forth only at great sacrifices; that the Government is enabled to fill her treasury to plethora in these times of monetary embarrassment and distress among the people? Are we involved in a foreign war, to demand and exhaust our means? Is any destroying epidemic sweeping over the land? Does the earth refuse to yield her reward to the hands of industry? Have the mines and gold-bearing quartz of California, been exhausted? Have we received less of the precious metals within the last ten years, than for any like term at any time before? Is there less money, including the mixed currency, in the United States at this time, than at any former period? Does our flag that floats over our commerce, frequent fewer oceans and seas than formerly? Are embargoes laid on our foreign commerce by foreign nations? Are our manufacturers, artizans, mechanics, laborers, less skillful, less industrious than formerly? Is our population decreasing? Is our territory being circumscribed? Do we not extend from ocean to ocean? Does not the flag of a united people wave over us? Is there a nation under heaven whose onward course points to so high a destiny, if we remain true to ourselves and true to our national flag? We now stand among the great and powerful nations of the earth, and while we remain united and stand together as brethren, our star in the galaxy of nations must become still more brilliant, until it shall shine as a sun in the national firmament. If these things be true, the question still arises; why our present embarrassed position? It is perfectly clear that it does not grow out of any radical defect in the form of our Government, or any want of all the elements of prosperity on the part of the people; where then lies the cause? This is the great, the important question.

A few thoughts upon these questions. What is the object of government? I answer, to protect the people in all their rights of life, liberty, property, character, and the pursuit of happiness; and any government that neglects or refuses to do this, comes short of the purposes of its creation. Every government must raise the means of its support from the governed, by one of the means known to national financiers, by whatever name they may be called. Our Government early chose the system of tariff duties on foreign imports, as the least objectionable. These duties are levies under our present tariff laws, upon a horizontal scale, ad valorem upon all classes of imports, excluding a large schedule of free articles from their operation.

No question since the organization of our Government as connected with its civil policy, has given rise to so much feeling between the leading politicians, as the adjustment of the tariff. At one time, the Union itself seemed to be on the point of dissolution; Mr. Calhoun and his Southern associates, insisting, that in consequence of the tariff of 1828, the State of South Carolina had the right to secede from the Union, peaceably if she could, forciby in any event. Gen. Jackson by his proclamation, followed by the force bill, denied the nullification, seceding doctrines of Mr. Calhoun, and declared that any overt attempt to carry out such principles, would be treason; a levying war against the United States, and would meet the whole power of the Government to put it down. No overt act was committed, the Compromise Tariff Act was passed, and South Carolina professed to be satisfied. The tariff of 1828, for which I voted, with Mr. Buchanan and Silas Wright, was considered by the South a high tariff, covering the protective principle, and she cried repeal from the moment of its passage. Her statesmen in both Houses denied the power of the Government to go beyond the levying of duties sufficient to produce the necessary revenue, even incidentally, where protection was one of the objects of the levy. They insisted that the tariff of 1828 would produce too much revenue, and therefore the duties must be reduced. We denied the principle and the effect, at the time; we insisted that the reduction of duties on the ad valorem scale, would increase, and not reduce the revenue; that the true principle was to let in free of duty, all articles of necessary consumption, that did not come into competition with those produced or manufactured in the United States, and maintain the Government from duties imposed on foreign articles that did come into competition with our industry, discriminating against foreign luxuries that were not necessaries, and might well be taxed high to the consumer. The effect of the tariff of 1828 was to stimulate and reassure American industry, as was anticipated at the time, and at the same time to supply the Treasury with sufficient revenue. The Compromise Act, brought about by the hostile aspect of South Carolina, and yielded to by Mr. Clay and his friends, it was believed by Mr. Calhoun would reduce the tariff of duties, and place it up on the horizontal platform, designed to withdraw all discrimination in favor of our own manufactures, and intended merely to raise sufficient revenue for the use of the Government.

The act of 1842, under which the Government and people prospered in a high degree, laid fair discriminating duties, for the revenue purposes of the Treasury without creating much surplus. But here again the cry was raised in the South, and repeated by some in the North,

East and West, that this tariff was too high for revenue purposes; that it raised more money than was required by the Treasury, and locked up the surplus from the people. The act was repealed, and that of 1846 passed, reducing the ad valorem standard on the scale of many articles of import. This it was predicted would reduce the revenue. But here again, the principle seemed to work adversely, the low tariff increased the revenue largely, the country was inundated with foreign goods, to be paid for with bills on our shipments of produce, or in specie. The *revenue* Treasury, was soon filled to plethora, with the duties, taken and held from circulation, over and above its immediate wants. The gold of California became insufficient to supply the vacuum created by the export to pay our European indebtedness. The steamer from San Francisco, loaded with millions of the precious treasure, but arrived in time for the shipment in the next European steamer, and at the end of the month, we were minus in the gold account; our banks drawing in their accommodations, and suspending specie payments. How could it be otherwise? In 1856, our exports of specie was $45,745,485, and our imports only $4,207,682; against us $41,537,803. Our wholesale merchants suspending, our retailers falling like autumn leaves, our manufacturers closing their doors and discharging their laborers without the means of support of their families; our workshops transferred to England by our policy, leaving the workmen here.

It has been said that the effect of protecting our industry, is to raise the price of the manufactured article to the consumer. To this, I say that even if it were so, he could afford to give more, if he could feed the workmen out of his produce, and keep the money he gave for it, at home for circulation; but the great purpose is, to give a permanent stability to our manufacturers, that can not be effected by the continual changes in the policy of other nations, leaving the home competition with the foreign duty added, to bring the price to the lowest point at which the article can be afforded, to the consumer.

I fully concur with those who contend, that there should be no more revenue raised than is needed, after the National Debt is paid, for an economical administration of the Government; but I contend that the present tariff policy is destructive of the interest of the Government and the people, and is one of the main causes of the present monetary embarrassment. It raises a large amount of surplus; this surplus is gold and silver, it is taken from circulation, depriving the people of its use; it largely increases the dutiable importations, to drain the specie from the country in their payment, thus combining the two elements of depletion of the circulating medium, enough in itself to create all

the embarrassments we are laboring under. This should be corrected by Congress, and must be before we can expect permanent relief. Our embarrassments are attributed by some to our railroad indebtedness in Europe. I, do not see it in that light, I take a strong case for illustration. Suppose a railroad in America built entirely with capital borrowed in England, for which bonds were given drawing seven per cent interest; the road built and running, whose road in fact is it? It belongs to the English bond-holder, for profit and loss. If he gets his interest, it is only upon his investment; if the road is kept in operation, the real benefit results to our citizens; if we pay fares for the use of the road, it is but the interest on the capital invested; if we are paying the foreigners the interest on their bonds, we have the use of their capital.

But, is the idea that we hear in the mouths of the multitude, true, that there have been millions of dollars sunk in railroads? How sunk? Was not the money expended and put into circulation in the construction of the road? was the *money* destroyed? was it sunk? Suppose the road worthless, and no consideration whatever for the money it cost, does that sink the money? or does it merely fall upon and sink the capital of the builders? The money changes hands, but it is not sunk. Thousands both in Europe and America, of their best men have been ruined by their connection with railroad enterprises; but there is just as much money to day, as if no railroad had ever been built. I have not the time or space, to go into the railroad policy of the United States, although from a temporary connection with a branch of the system, I have looked somewhat into it. It has become like the arteries and veins in the human body, essentially identified with the prosperity of the people. It must be maintained, or a universal paralysis will follow in all the industrial departments of the nation. From a mere luxury, our railroads have become a necessary of life. Is it not strange then, that they should hang like an incubus upon the stockholders; they should support themselves, or rather the country, for whose use they are built should support them, by the payment of such freights and fares, as shall be sufficient for that purpose after the expenses of operating the roads shall be reduced to the most economical standard. There is scarcely a railroad in the United States, that does not cost double for ordinary expenses, what it ought to. The salary of the officers in many instances, is highly disproportioned to the duties. I noticed some time ago, that Mr. Moran, the president of the New York and Erie Road, receives the same salary as the President of the United States; and I noticed soon after, that the stock of the road depreciated daily, a natural consequence.

The immense business transacted in the commercial relations of the people of the United States, render it impossible to barter and exchange one article for another, as was done in the primitive ages of the world, and as is still done in the interior of Asia and Africa. We require a medium of exchange and circulation, by which the value of all articles of commerce and trade can be fixed, as well as the price of labor. The question as to what that medium shall be, has occupied the minds of many of our most talented and patriotic statesmen. Mr. Benton and others of his school, insist that the only medium should be coin—gold and silver. They refer us to the Constitution, that makes coin alone a lawful tender. We admit that fact, but say, that in this age of the commercial world, to confine the circulation to gold and silver would be impossible, and if possible, not desirable. The effect would be to bring down the value of both real and personal property to a mere tithe of what it is now, and bring ruin upon all the indebted property-holders in the land. I introduce the idea of an exclusive metallic currency, not for the purpose of discussing it, but to show that we have distinguished hard-money men among us. The United States, with the other commercial nations of the world, have passed it by, as an obsolete idea, and with one accord have adopted the mixed currency, composed of coin, and paper, called bank notes. England has her National Bank, so has France, and other European nations. We once had a Bank of the United States, that acted as the fiscal agent of the Government, in the collecting, transmitting, and disbursing of the revenues. That Bank furnished a paper medium of uniform specie value, in every part of the United States. Its charter expired, it closed its existence, and liquidated its affairs, redeeming every dollar of its issues, and paying every cent of its deposits without the loss of a dollar to any body. I was, at the time its charter expired, and still am of the opinion, that we shall never have a better paper circulation than it afforded. While we maintain a paper currency, it is perhaps the most difficult problem ever solved, as to how that currency shall be furnished, how regulated. It admits of no question, that the effect of a redundant circulation is to inflate prices, create speculation, increase importations, take up the public lands to be held against actual settlers, inflate individuals. On the other hand, a large withdrawal of circulation must bring with it consequences the reverse of those I have named. Still the question arises, what is a redundant currency in a country like ours, with its ten thousand times ten thousand ramified interests, requiring capital? Our progress may be too rapid for permanent results, but who shall stay the energy of our people? or who shall say to the active mind,

of even the Western pioneer, thus far shalt thou go, and no further? He takes his faithful rifle, passes the Rocky Mountains, descends the plain to the Pacific Ocean, sees its waves lashing the shore, and inquires for a steamer to carry him over to the ocean islands.

How much currency do we want? This depends again upon the state of public confidence in the institutions that furnish it. With confidence, to give it motion, much less will answer all our purposes; confidence withdrawn, and money will be scarce, and times hard, no matter what amount of money there may be in the country. The recent developments have shown most conclusively, to my mind, that the banking institutions of the United States require radical and speedy reform. If they are to maintain their chartered privileges, giving them rights over the citizens, the public, and their customers, they should be amply secured. No bank should be authorized to issue paper, or receive deposits, without giving to the public undoubted security. All banking operations should be based upon specie, and specie securities. It should be made a penitentiary offense for a bank to shut down upon its deposits. The public know nothing as to its affairs behind the counter, and it is nothing less than obtaining money by false pretenses for the officers of a bank to receive deposits in cash without *knowing* that they would be able to repay them on demand, and without providing the means to do so. My very heart has bled, when I have seen the poor laborer, the widow, and the orphan, standing at the locked door of a suspended bank, begging for a few shillings of their deposits, to get a little provision in market, while the well-dressed banker was living in style upon their money, regardless of their cries for justice. This the public call bank suspension. I call it bank robbery.

But we must have banks. If so, let us know what kind of banks we have, and when we have them, let us not destroy them by distrust and want of confidence in them. No bank in America can stand a run of bill-holders and depositors, requiring specie, a single day; and why not? Because no bank can afford to keep in its vaults an amount of specie equal to its issues and deposits. It is doubted whether a bank should be permitted to discount or trade on its deposits by many. If not, then it could not pay interest on its deposits. I would leave that to the bank officers, at their peril, if they shut down or closed their doors against depositors.

But the leading banks have suspended specie payments. How could it be otherwise? They could only exist as specie-paying institutions so long as they retained the confidence of their bill-holders, depositors and creditors. The moment that confidence was withdrawn, and

the run made upon them, they could only pay out what specie they had, and close their doors. Did not the creditors know that when they trusted and run upon them? And why complain now, if they have acted honestly with their assets. The defect is not in the officers, but in the system, which is rotten to the core, and must be reformed, if we are to look to them for our paper circulation. I would not destroy them, but I would reform them, so as to give confidence in their circulation, without which they can not long continue to exist.

There is little real poverty in the rural districts of the United States. The large importing cities contain ninety-nine of every hundred of the poor and distressed. It is there that drunkenness, licentiousness, poverty, and crime stalk abroad by day and by night. This is owing greatly to the fact, that the foreign emigration from all parts of the world land at our seaports. The question has frequently arisen, whether we ought not to regulate this emigration, so as to reject foreign paupers and send them back to their own country. Thousands have been sent here to get rid of them in Europe, and the moment they are landed, they become a charge upon those cities. We can not say that foreigners shall not be received into our country. We open our arms and bid them welcome. Many see danger in this. I confess I do not. I would not check foreign emigration of the right kind, but I would direct it to useful purposes. The large portion of the emigrants that land at our seaports are laborers, the very kind of men that are needed to open and cultivate our Western lands that lie idle, waiting to be improved. These emigrants, instead of being permitted to settle down in the seaports, adding to the mass of idle vagrancy there, should be taken charge of by the Emigrant Societies, and transported into the great Western field of labor and food. This would be true philanthropy to the emigrant, and the true policy of the large cities.

I have thus briefly given my views of the true policy of the Government, and of the currency question. A few remarks upon the causes of distress among the people associated, and in their individual characters. I have already said, that man is a creature of imitation. To that fact, and to the disregard of the unpopular but true saying, that men should live within their means, I attribute the present embarrassment. We have, in this country, millionaires, and many of smaller estates, who are able to live within their means, and yet expend their hundred thousand dollars in a splendid mansion, furnish it in the most costly style, and keep up an establishment at a yearly expense of many thousands, and yet live upon their income. In one respect these come within the rule · but do they in fact? Yes, if they

live alone, outside of society, upon a solitary island, where their influence would neither be seen or felt. But they are surrounded by imitators, who can not live in their costly style without going above their means; they are creatures of imitation—like the poor crow, they see the eagle stoop from his eyrie and raise the struggling lamb to the young eaglets on the mountain cliff. They must have a fine house and a splendid establishment alongside of the wealthy nabob. They imitate closely, with a few extras to talk about. They enjoy it as long as Phæton did his ride in the chariot of the sun; and like him they are dashed to earth again for the wondering crowd to look upon. He inflated his balloon with the gas of self-consequence—he thought it raised him majestically; but the bubble burst, and what sane man supposed it would not? His fate is that of the thousands who have, within the last few months, fallen from their supposed wealth to poverty. They have been the imitators who have lived above their means. Could they have fallen, like the venturous youth from the chariot of the sun upon the banks of the river Po, doing no other injury but to destroy themselves, there would be little cause for tears. But unfortunately the most of them have dragged down with them, many honest men who had given them their confidence.

It may be assumed that ninety-nine out of every hundred of all the failures in the United States, have occurred by living on imaginary, and not real means; or, as they would say in Wall street, "fancy means." The man who lives upon his means, and creates no debts beyond, can not break, unless he intrusts his means to dishonest hands. This seems plain to a common understanding; and yet, how hard it is to live up to this golden rule. There are ten thousand seductions to draw off the best fortified minds. Speculation stands before him, with credit in her hands, offering immense gains. Not more seductive was the serpent in the garden, when offering the apple to mother Eve. The ordinary process of industry is too slow to make a fortune. Like the bee that went from the hive to gather honey, he passes by the opening flowers, from which he had been accustomed by industry to load himself for the hive, and falls a victim to the vial of honey, made without his labor, suspended from the branch of the tree. Man was destined to get his living by the sweat of his brow; but he has sought out many inventions to pervert the text and make it mean, the sweat of the brow of others. How small a portion of the expenses that occur in the affairs of men, in this age, can be set down to the account for actual necessaries. How few would fail, if they would use industry, practice economy, and only expend their means in the necessaries of life.

STEPHEN A. DOUGLASS.

THERE is, perhaps, no citizen of the United States, at this day, who holds a more prominent position in the public mind, than the subject of this sketch. Judge Douglass, for many years before his elevation to Congress, held high offices in the State of Illinois—representative and judicial. I had no personal acquaintance with him until after he had served in the House, and had taken his seat in the Senate of the United States. It was in this exalted body of great men, that his extraordinary powers of mind were fully developed. It is far from my object to attempt to analyze his political course, all that is the work of political writers; my purpose is to present Judge Douglass as I saw and heard him in the Senate of the United States. He is considerably below the common hight of men, thick set, large expanding chest, remarkably large head, square capacious forehead, dark hair and eyes, wide mouth, prominent features, loud full voice. As a speaker he is forcible, strong, clear, rapid, impressive; as he progresses he throws his whole soul into the subject, and forgets himself. His gestures are such only as are produced by his subject, and feelings at the time. There is nothing artificial about him. I met him at Terre Haute, after he had made his speaking visits to Southern Illinois; he was quite exhausted, both in body and voice; his bronchial organs were much affected, so much so as to compel him to leave his appointments. I saw him afterward at Washington city much improved. Judge Douglass is one of the strongest intellects of the nation, and possesses great energy of character. Now only in the meridian of life. I give the readers, to show his style, an extract from his speech on the Ocean Telegraph:

"I do not regard this as a war-measure, in any sense of the word. It is essentially a peace-measure—a commercial measure, so far as its advantages are concerned; and I am disposed to look upon it purely in that light. I agree with the Senator from Virginia, that our merchants, and our commerce, will derive the same advantages from this telegraph if the United States Government does not contribute, as if it does contribute. The Company will follow their own interest, undoubtedly, in the management of the work, and those interests will require them to do as much business as possible, receive every customer that comes, and get as much money out of each customer as they can obtain, at the rates charged. I have, therefore, no apprehension that our commerce will not be on an equal footing with English commerce when this line shall be made, no matter which government patronizes

it; or whether either patronizes it or not. I believe it will be of vast advantage to the commerce of both countries. I believe its tendency will be to cultivate better feelings between the two countries. I believe the closer it brings us together, the more it will obliterate those prejudices which certainly do exist to a considerable extent between the two nations. Our policy is essentially a policy of peace. We want peace with the whole world, above all other considerations. There never has been a time in the history of the Republic, when peace was more essential to our prosperity, to our advancement, and our progress, than it is now. We have made great progress in time of peace—an almost inconceivable progress since the last war with Great Britain. Twenty-five years more of peace will put us so far in advance of any other nation on earth, that even the Senator from Kentucky will not have such a dread of the power of Great Britain as he seems to have to-day. Sir, I do not think his apprehensions are well founded, even now. There is a wide difference between the power of this nation to-day, and what it was during the war of 1812. The additions that have been made to our population, the additional States that have been admitted into this Union, now furnish more of the elements needed in a war with Great Britain, than the whole nation possessed at the time of the last war. I trust we are never to have another war with Great Britain; yet I would not surrender any great material interest of ours, nor would I tarnish the American honor to avoid a war. If England forces it upon us, let it come; but I would do nothing to encourage it. I would not court it; not because I believe that at this day we could not meet her in a fair field. I firmly believe that if we should have a war with Great Britain, she would not come out of it, at the end of three years, with one foot of British soil on the American continent. New England alone could drive every British soldier from the whole coast, and take possession of the colonies that are connected with this end of the wire. New England would take the job to capture Nova Scotia and New Brunswick, including Halifax, their great fortress. While that was being done, the West could dispose of the rest of the Canadas.

"Although this is our condition, I would not act aggressively toward England. I would do nothing to encourage war merely because we have advantages on this continent, and can drive her off it whenever we please; but I would consider these facts in connection with the objections made to this proposition, that this end of the wire will be in the British territory. As I said yesterday, that objection fails for the reason that, in time of war, this end of the wire would not be in British territory; and it is no objection that it is in British

territory in time of peace. Our communication would be as perfect in time of peace with it in British territory as under the American flag; and I hold that, in time of war, it would be in our possession, and not in hers. If we can look fairly and reasonably at the relative powers of the two countries when fighting upon this continent, I think we must come to this conclusion. I do not pretend to say that we send troops to England to fight her at home, or establish an European colony, but I do say that she can not send troops three thousand miles across the ocean, and fight us at home on an equality. It is said that our ports are exposed, and that British ships could come in and batter down our cities. Sir, I do not know of any English seaport as well fortified as New York. Liverpool is not half as well fortified as New York. London itself is not as secure from an invasion as New York; but we have allowed ourselves to be frightened out of our wits by cries about the exposed condition of our cities. If you enter the British ports you will find them more exposed than our own. Hence these threatenings of British power have no terrors for me. I desire to examine this question as a peace measure, as a commercial measure, casting out of view its effect on either country in time of war, for the reason that neither can use it in time of war. If England had possession of both ends of it, we could cut the wire. What difficulty would there be in drawing up the wire on the banks of Newfoundland, and cutting it? It will run for hundreds of miles over the shallow banks of Newfoundland, where any anchor can reach it; then it can be reached as you approach the shallow bank toward Ireland. Inasmuch as it is to be exposed, not covered, at the bottom of the sea, it can be reached any where where a cable is long enough to reach it. It is a small wire, about the size of my finger. The Senator from New York has a specimen of it in his hand. It can be hauled up with perfect ease by any ship. Hence in time of war its power and its terrors would cease in a moment, if it was found to be injurious to either party. I shall not follow my friend from Ohio (Mr. Pugh), through his descriptions of the aggressive policy of Great Britain, in surrounding us wherever she can get an opportunity of planting her flag. On former occasions I have often referred to that line of policy on the part of Great Britain. I have never approved that policy of hers. I have never been willing to yield to it where we had the power of resisting it consistently with our own rights and dignity; but, sir, I do not know what British power, in Central America, or in the Bahamas, or at Bermuda, or at Halifax, or any other place on the continent, or the islands of the sea, has to do with this telegraphic communication with Europe; nor do I know what British aggression

in the Indies has to do with the establishment of this telegraphic wire. We all know the history of British aggression in India. We know that it forms a series of aggressions unequaled by any other nation on the face of the globe. It is proper to refer to those aggressions in order to shame England when she taunts us with aggressive policy. It is legitimate in that line of debate, or as an off-set to her taunts against Russia, attributing to that power an aggressive policy. I have no objection to England's aggressive policy in Asia, if she chooses to pursue it. I have no objection to Russia's aggressive policy in that region, if she chooses to pursue it. I care not how soon England and Russia get in collision in their mutual aggressive policy in Asia, if they are fools enough to carry on that kind of war. If they will confine their aggressions to the other side of the water, and let us alone, I am willing to let them fight, and let us feed both parties while the fighting is being done. I have an objection to any European power pursuing an aggressive policy on this continent; but I do not know what these questions have to do with the bill now under consideration. But American citizens have commenced this enterprise. The honor and the glory of the achievement, if successful, will be due to American genius and American daring. Why should the American Government be so penurious—I do not know that that is the proper word, for it costs nothing; why should we be actuated by so illiberal a spirit as to refuse the use of one of our steamships to convey the wire, when it does not cost one farthing to the Treasury of the United States? We did furnish more, infinitely more than that, to help to take the soundings across this very line for the benefit of commerce. We thought it was a matter of honor and credit to this Government to be engaged in the great scientific work of determining the depth of the ocean, and the tracks of vessels across it, in order to save life and expedite the transportation of persons and property.

LEWIS CASS.

If I should say that no man now alive in the United States has filled so many prominent positions as the distinguished subject of this sketch, I should be only saying what is universally known, and if I should add that no other man living has discharged the duties of so many high offices, with greater credit to himself and satisfaction to the public, I should give my own opinion, after looking over his long and useful life. In saying this I entirely eschew politics. I speak as an American citizen, of an American citizen, whose sands have nearly run out, and whose character is soon to be the only legacy he can leave his country. I have often thought how closely identified have been the political fortunes of the two great compeers, Henry Clay and Lewis Cass. Both were the cherished objects of their political friends, both had rendered eminent services to their common country; both acknowledged patriots; both eminently qualified for the first office in the gift of the American people; both ambitious to obtain it; both candidates; both defeated; both go down to their graves followed by the strongest sympathies of the country. It is no purpose of mine to attempt the biography of Gen. Cass. That will be written when he shall be taken from us. Nor is it for me to review his many public speeches. As a speaker, Gen. Cass was plain, clear, calm; his style was fine, and his gestures easy. He made no pretense to what is called eloquence, and yet he was at times truly eloquent. In person he was above the common hight, strong built, large chest, long face, high broad forehead, dark hair, heavy eye, projecting chin, prominent features, solemn countenance. As entirely suited to his age and character, I have selected, as a specimen of his style, his beautiful remarks upon the decease of John M. Clayton, his distinguished co-Senator, from Delaware:

"Mr. President:—Once more are our duties to the living suspended by the last sad tribute of regard to the memory of the dead. Another of our associates has passed from the scene of his labors to that dread responsibility which equally awaits the representative and the constituent, the ruler and the ruled. All human distinctions are leveled before the destroyer, and in the narrow house, to which we are hastening, the mighty and the lowly lie side by side together. There our departed friend has preceded us. When we separated but a few days since, he was a bright and shining light among his countrymen. Returning to resume our functions, we find that light extinguished in the darkness of the tomb. Well may we exclaim with the psalmist, 'Man's days are like a shadow that passeth away.'

"His character and services have been portrayed with great power and fidelity by the Senators who have preceded me, one of them his respected colleague, and the other his personal and political friend, both entitled by long acquaintance to speak as they have spoken of him, and their words of eloquence have found a responsive feeling in the hearts of their auditors. I can not lay claim to the same relation, but I knew him during many years, and his high qualities have left their impress upon my mind; and I rise to add my feeble testimonial of regret that he has been taken from among us.

"The deceased Senator from Delaware was long identified with the political history of the country. Sent here by the confidence of his native State thirty years ago, he brought with him eminent qualifications for the position, and which led to the high distinction he acquired. To a vigorous and powerful intellect, improved by early training, he added various and extensive acquirements—the fruit of ripe study and acute observation. And he possessed a profound knowledge—rare indeed—of the principles of our Constitution, and of those great questions connected with our peculiar political institutions, which so often present themselves for solution, and sometimes under circumstances of perilous agitation. He was a prompt and able debater as we all know, and touched no subject upon which he did not leave marks of thorough investigation. In whatever situation he was placed, he met the public expectation by the ability he displayed, and by his devotion to the honor and interests of his country.

"In looking back upon our communication with this lamented statesman, every member of the body will bear testimony to the kindness of his feelings, and to the comity and courtesy which marked his social intercourse. He was a happy example of that union of decision of opinion and firmness of purpose in public life, with the amenity of disposition which constitutes one of the great charms of private life—a union the more commendable, as it is rarely found in the exciting scenes of political controversy. His was a most genial nature, and we can not recall him without recalling this trait of his character.

"It is a source of consolation to all his friends, that when the last change came it found him prepared to meet it. He entered the dark valley of the shadow of death with a firm conviction of the truth of the mission of Jesus Christ, and with an unshaken reliance upon the mercy of the Savior. He added another to the long list of eminent men who have examined the evidences of revealed religion, and who have found it the will and the word of God; and he died in the triumphant hope of a blessed immortality, which the Gospel holds out to every true and humble believer."

JAMES K. POLK.

It was my good fortune to serve in the twentieth Congress, in the House of Representatives, with the distinguished subject of this sketch, both being from the great West and not far from the same age. We soon became intimate, and continued so until his decease, after he had retired from the Presidency. It is no part of my purpose, to enter into the questions in relation to his nomination over Mr. Van Buren and Gen. Cass. That matter is now well understood, and stands about in this wise: Gen. Cass, knowing that Mr. Van Buren could get a majority of all the votes of the convention, through his friends, sprung the two-thirds rule upon the convention, rendering the nomination of both Mr. Van Buren and himself out of the question. Mr. Van Buren received a majority of the whole number, but not two-thirds. Mr. Polk in the end, received the two-thirds necessary to a choice; was nominated by the friends of the prominent candidates, as their second choice; and was finally elected over Henry Clay in a most heated contest.

It is not for me at this day, to fight that battle over again. I was in the heat of the contest, as the warm and devoted friend of Henry Clay. I thought he ought to have been elected. The majority of the people, however, said otherwise, and it became the duty of the minority, to submit to the will of the majority, which we did with the best possible grace. In this, our people are unlike all others in the world, here it is, and here alone, that the power of the ballot-box is felt and appreciated. The night before a Presidential election, you hear the drums beating, the fife playing, the artillery roaring; you see the rockets flying, the transparencies and torch-light processions moving, the orators on every stand addressing the people, the crowds intensely excited.

A stranger to our Government looking on, would naturally suppose, that it was the last night we were to enjoy our Union; that the excited parties would never be reconciled to the success of their opponents, but would rally under their leaders, and contest their powers at the point of the sword. But see the sequel; morning comes, the polls are opened, the judges and inspectors take their seats, ready to receive the votes of the people. Now look at the scene! the same men that marched the night before under the highest state of partisan excitement, now mingle in one mass, all eyes and thoughts directed to the ballot-box, the elective franchise under our Constitution and laws, is now to be exercised, and the ballot-box is to become the deposit of the power of the people, until the next Presidential election. The vote

is cast, and the freeman returns to his home, to pursue his ordinary business, until he shall be called upon to exercise again his high prerogative of depositing again in the ballot-box, his vote for the man of his choice.

The day after the election, the same stranger would look at the change that had taken place, with astonishment and wonder, as to what all that excitement that he had witnessed the night before the election was about. Such was the result of the great contest between Henry Clay and James K. Polk; there never was a more exciting election; and yet the calm immediately succeeded. The majesty of the Constitution and laws, rose above the waves of party, and our good ship moved on with the new pilot at the helm in her accustomed course. Thus may it ever be, that our people may appreciate the ballot-box, and be willing to deposit there for the time being, their political power, holding their Representatives to a just accountability, and looking to the next election for redress.

It is no part of my object in this sketch, to speak of the administration of James K. Polk, as President of the United States—all that belongs to the historian. I present him to the reader as I saw him in that Congress of distinguished men, of whom I have spoken, and whose names I have recorded in these sketches. The name of James K. Polk, of Tennessee, there appears. He was one of the active, ardent, zealous spirits of that Congress, about the medium hight, well built, good head, high forehead, dark hair and eyes, wide mouth, projecting chin, full chest. As a speaker, he was loud, emphatic, clear, strong, impulsive; he threw his whole soul into the subject. If he was ever eloquent, it was not so intended; it was the eloquence of the subject and not of the speaker, as he seemed to forget himself while pursuing the facts before him. I thought him one among the strong men of that Congress, which I consider at this day a very high compliment.

FRANKLIN PIERCE.

The distinguished subject of this sketch, having discharged the duties of the highest office in the world, for four years—his administrative powers and qualifications are so distinctly before the American people that I do not propose to speak of them now. I may simply say, that Franklin Pierce was, at the time of his nomination, the first choice of neither branch or division of the Democratic party, but was the fortunate child of the two-thirds rule, that had, on a former occasion, nominated James K. Polk over Martin Van Buren. The election of Gen. Pierce over Gen. Scott was a decided party triumph, after a most animated contest. I had the pleasure of a close and intimate acquaintance with Gen. Pierce, during the time he represented New Hampshire in the Senate. It is in that character I wish to speak of him. We were qualified as Senators at the same moment. I was struck at the time with his youthful appearance. He was the youngest Senator in the body, about five feet ten in hight, spare, straight, large head, broad high forehead, dark hair and eyes, prominent features, wide mouth. His manners were very easy and prepossessing in his social intercourse. As a speaker, he was fluent, clear, and interesting, voice musical and full-toned. He ranked among the classical debaters of the body; seldom taking part in the heavy debates requiring labored preparation; but in those in which he engaged, he showed that he possessed a clear, discriminating intellect of no ordinary character. Gen. Pierce resigned his seat in the Senate, and Levi Woodbury succeeded him. As my course has been, in these sketches of distinguished men, to give the readers the opportunity of judging for themselves of their style, I have looked over the debates in which Gen. Pierce took part, and have chosen, as just to him and the reader, the following extract from one of his speeches. He was Chairman of the Committee on Pensions.

"There were cases of officers receiving pay for full disability, when in command of line-of-battle ships. The law of 1837 gave pay to officers from the time of their disability. He had been long enough connected with the Pension Committee to understand something of it. He had now in his drawer, more than fifty letters from officers of the army, neither begging nor imploring, but demanding to be placed on the same footing with the navy in regard to pensions. He thought on his conscience, that the pension system of this country was the worst on the face of the earth, and that they could never have either an army or a navy until there were reforms of more things than pensions. He pointed to the military academy appointments which

rested on the influence that could be brought to bear by both Houses of Congress. He had looked on that scientific institution, from which no army would ever have a commander while West Point was in the ascendency; and he would tell why. The principles upon which Frederick the Great and Napoleon acted, were those to make soldiers, where merit was reward always followed. But had they not witnessed cases of men of character, courage, and capacity asking, from day to day, in vain, for the humble rank of third lieutenant in your army, who would be glad to have such appointments? I know a man who, at the battle of Withlacoochie, had he performed the same service under Napoleon, would have received a *baton*. But in ours, what did he get? Three times did that gallant fellow, with his arm broken and hanging at his side, charge the Indians, and drive them from their hummocks, were they were intrenched. The poor sergeant staid in the service until his time expired, and that was all he got for his gallantry and disinterestedness. Such instances of neglect would upset any service, destroy all emulation, and check all proper pride and ambition in subordinates. If ever we were to have a good army or navy, we must promote merit in both branches of the science, as every truly great general has done, and every wise Government ought to do."

JOHN P. HALE.

The State of New Hampshire has produced many eminent men. Daniel Webster, Levi Woodbury, Isaac Hill, Ichabod Bartlett, Franklin Pierce, were all sons of New Hampshire, all distinguished men. After these came John P. Hale, the subject of this sketch, now a United States Senator from the same State. Perhaps no man in the United States has risen so fast in the public mind within the last few years. Mr. Hale has given evidence of unusual popular powers. It has been owing to his instrumentality, that the Granite State has cut loose from her Democratic moorings, and become one of the strongest Republican States in the Union. She stood fast in the great political campaign of 1840, against the tornado that swept over the land, under the flag of Gen. Harrison, but she surrendered to John P. Hale and his allies on the question of the extension of Slavery. Mr. Hale is about the ordinary hight, well built, capacious chest, full-toned musical voice, large round head, square high forehead, full face, dark hair and eyes, wide mouth; he speaks well, direct, strong, clear, to the point; he may be said to be a ready, humorous, prompt debater, rather than a prepared orator. He has high social powers, in his private intercourse. He speaks often, perhaps too frequently for effect. It is entirely possible, for even a Senator to cheapen his wares, by offering them daily to the Senate. I give an extract from his speech on the Ocean Telegraph to show his style, and his playful humor.

"I have objections to considerations of the character which have just been spoken of on subjects of this kind. It seems to me that the war spirit and the contingencies of war are brought in a little too often upon matters of legislation which have no necessary connection with them. If we are to be governed by considerations of that sort, they would paralyze all improvement; they would stop the great appropriations for commerce; they would at once neutralize that policy which sets our ocean steamers afloat. Nobody pretends that the intercourse which is kept up between Great Britain and this country by our ocean steamers would be continued in time of war; nor the communication with France or other nations. If we are deterred for that reason, we shall be pursuing a policy that will paralyze improvements on those parts of the coast which lie contiguous to the lakes. The city of Detroit will have to be abandoned, beautiful and progressive as it is, because in time of war, the mansions of her citizens, there lie within the range of British guns."

Mr. Cass.—"Do not be afraid about that."

Mr. Hale.—"I confess that this consideration struck me very forcibly when I visited that beautiful city in 1848, and reflected that the candidate of the Democratic party for the Presidency, lived directly in the range of British guns, in the city of Detroit. (Laughter.) If we are to be governed by considerations of this sort, all great enterprises will be paralyzed, because the question is brought up, What if war takes place? I do not care. What will the suspension bridge at Niagara be good for in a time of war? If the British cut off their end of it, our end will not be worth much. So it will be with all these improvements. I am not going to vaticinate or prophesy, or indulge in anticipations of the millenium, but I do not believe it was the object of Providence, in creating this world and placing us here, that we should be in a continual state of warfare. My friend from Georgia (Mr. Toombs) thinks it is a mistake, and that war is the natural state. Well, sir, we are coming to the spiritual state. (Laughter.) We do not mean to live in the natural state any longer. Sir, we have got on for more than forty years without a war with Great Britain. I have no great doubt that we shall live forty years more without a war with Great Britain. I believe among the things which will bind us together in peace, this telegraph wire will be one of the most potent; it will bind the two countries together literally, with cords of iron that will hold us in the bonds of peace. I am not one of those who are to hesitate about this if it is demonstrated, and I believe it is, that it will be useful and valuable in peace, subservient to the great cause of the advancement of civilization and the diffusion of information. I repudiate entirely the policy which refuses to adopt it, because in time of war it may be interrupted. Such a policy as that would drive us back to a state of barbarism. It would destroy the spirit of progress; it would retard improvement; it would paralyze all the advances which are making us a more civilized, and a more informed, and a better people than the one which preceded us. For these reasons I am in favor of the bill, and I would be for it if I were certain that in time of war we could never use the telegraph at all. I do not believe we can. I do not think you can make any sort of treaty by which the British Government will consent, if ever war should come, that our operators may go to Newfoundland or Nova Scotia, and send our messages over this wire. Suppose you do make a treaty, you must have at the other end of the wire, in Ireland, in the empire of Great Britain, in order to make this treaty good for any thing, somebody sworn to keep secret any communication that we may make. We may send our communications to England, notifying some of our agents there of some warlike preparation that we want to make; and the

idea is entertained here, that we shall have a sworn agent in Great Britain, who will keep our secrets and send our messages, and further our warlike purposes against Great Britain. No, sir, the idea is utterly absurd in itself. I do not mean that it is absurd as it comes from any body else's mouth. I desire to be courteous; but I say that the idea, when you come to look at it, is absurd; because it is impossible. It can not be done. You may make as many treaties as you please; you may combine the letters of the alphabet into every possible form, and you may make your treaty just as binding as you please. To make it practicable, you must have an agent at the other end of the line in Great Britain, sworn to keep your warlike secrets. Do you not see, sir, that it can not be done? If you mean to prepare for war, this is not a war measure. It can not be made subservient to the purposes of this Government in war, and is not calculated or intended for any thing of that sort. The great question is, is it a measure of peace and progress, and information? Is it of the character of our post-office and our inland telegraph? If it be so, let us take it on its merits as a peace measure, and admit—I will, for my humble self, as a friend and advocate of the bill—that it has no merits as a war measure, and can not, by possibility, be made subservient to that end.

MILLARD FILLMORE.

For many years the subject of this sketch has filled a large space in the public mind, both in America and Europe, whether as connected with the State of New York and her politics, as a representative in Congress from his District, or as President of the United States. Mr. Fillmore has filled a very high position with firmness and great practical good sense, demonstrating to the world that he possesses a mind of a high order. It is not my purpose to speak of the Administration of Mr. Fillmore, as President of the United States. That is before the world and speaks for itself. Nor is it designed to enter into any of the embarrassing questions that beset him, nor yet to show his position in relation to the great parties of the United States, coming into power not by an election to the first office, but by the death of President Taylor. I choose to give my readers Millard Fillmore as he was, while chairman of the Committee on Ways and Means, in the House of Representatives of the United States, in the year 1842, at the time of the passage of the tariff of that year. I was at the time in habits of daily close intimacy with him. I greatly admired him as a ready, clear-headed, pleasant, common-sense man. Mr. Fillmore discharged the arduous duties of chairman of the committee to the admiration of both sides of the House. He seemed to have in his head the whole financial condition of the Treasury in detail, with strong views of the policy to maintain its credit. Mr. Fillmore was a warm Whig, a devoted friend of Henry Clay and Daniel Webster. He placed himself strongly upon the American policy, and the perpetuity of the Union. I give the reader a valuable extract from his great speech in favor of the tariff of 1842, which will be read with interest at this day, since the operation of that act, and that of 1846, have been tested by the American people.

"Every one must admit that the question under consideration is one of the greatest magnitude. Nothing of a purely domestic character, affecting more interests, and calculated to excite more universal feeling for or against it, could be submitted to an American Congress. It involves the exercise of the highest legislative power—that which compels the people at large, who have established this Government, to contribute the necessary means to sustain it. Surely nothing short of the questions of war and peace can be of more importance to this country than the *mode* in which we shall exercise this highly responsible and delicate trust of raising revenue for the wants of the Government. I am free to confess that the subject is so vast in extent, and so compli-

cated and multifarious in its details, that I approach it with doubt and distrust of my own powers, and unfeigned regret that this duty has not been assigned to more able and experienced hands.

"But, sir, what has been our course on this subject in this country? Why, for all political, commercial, and financial evils, some gentlemen maintain that *free-trade* is the great *panacea*. It is with them the philosopher's stone: it would prevent revulsions in commerce, supply the wants of your Treasury, and promote the prosperity of the community. Others again, from other parts of the country, maintain that *protection to home manufacturers* is the great *desideratum*, and the true remedy for all these evils. Each has his own peculiar theories, and adheres to them with the blindness of prejudice and the tenacity of self-interest—each omitting, if not unwilling, to investigate the facts on which his own cherished theory is based; and the thunders of popular commotion produced by the storm of nullification have hardly died away in the distance, when the horizon gives ominous signs that another storm is approaching, and that this House and the country are again to be agitated by a fierce and blind contest about mere abstractions, while truth is obscured by the smoke of the fight, and lost sight of by the contending parties. I now proceed to the consideration of the bill itself, its design and object. It has been framed with a view of raising revenue to supply the wants of the Treasury, and I propose to consider it mainly as a revenue measure. The first question, therefore, is: What *amount* of revenue is required to carry on the Government? For on this, in some measure, must depend the rate of duty imposed on every article in this bill. It is preliminary to all other questions, and should be first settled. In determining this, the opinion of the financial officer of the Government should have great weight, and I beg leave to call the attention of the House to his recent report to this House; submitting the project for this bill.

"From this it will be perceived that the Secretary estimates the *ordinary expenses* of the Government for each of the years 1842, 1843, and '44, at $26,356,358.95, beside the liabilities of the Government for debts, Treasury notes, etc., which swell the amount to some $7,000,000 or $8,000,000 more for each of those years, making the total required for the three years $98,242,953.73. The debts and other liabilities mentioned may be easily and certainly calculated, as their amount is known and must be paid; but not so with the ordinary expenses of the Government. They vary from year to year, and will depend much on the administration of affairs. It may not, however, be inexpedient to refer to the past to enable us to judge of the future. Indeed,

experience is the only true test in these matters. I therefore call the attention of the House to Doc. No. 31, furnished to this House at the extra session, from the Treasury Department, and at page 26 of that document you will find the following statement of disbursement, during the four years of Mr. Van Buren's administration, for the ordinary expenses of Government, viz:

In 1837, - - - - - - -	$31,610,003 09
In 1838, - - - - - - -	31,544,396 19
In 1839, - - - - - - -	25,443,716 94
In 1840, - - - - - - -	22,389,356 31
Total, - - - - - -	$110,987,472 53

Being an average of $27,746,868·13 for each year.

"If this past experience affords a guide for future action, we may calculate that the annual expenses of the Government hereafter will be between $27,000,000 and $28,000,000, independent of the amount necessary to be raised for the public debt now existing; but I trust that we shall hereafter have more economy in the administration of public affairs, and that we shall not only expend less, but make a more beneficial application of what we do expend. But there has been much discussion on this subject, both in this House and the other, and some of the oldest and ablest statesmen in both branches have gone into laborious and ingenious investigations to show the probable expenditures hereafter. Their results, varying from $18,000,000 to $26,000,000, show how difficult the task is, and how little reliance can be placed on their estimates, where so much must be left to conjecture. I shall not attempt to follow them.

"From the indications which we have seen here for a few days past, we might infer that a spirit of retrenchment had come over this House, and that the army and navy are to be greatly reduced. However I may regret the inconsiderate haste with which those acts were perpetrated, which, to my mind, savored more of destruction than judicious reform, yet it must be admitted by all, if the Senate concur with this House in those measures, the annual expenditures of Government will be diminished. Taking all these things into consideration, I am willing to assume the ordinary expenses of Government will, for some years, if peace continue, be reduced some $3,000,000, or $4,000,000, annually; and, if so, we may reasonably calculate that they will not exceed about $24,000,000, and may probably come as low as $23,000,000; but this is rather to be desired than expected. But, allowing $24,000,000, which I think, is the safest estimate, and add to that

$3,000,000, to pay the interest on the public debt, and provide a sinking fund for the ultimate payment of it, and you will require an annual revenue of $27,000,000, to meet the demands on the Treasury. I shall therefore assume that that amount must be provided. This being the amount, the next question is, how shall it be raised? In what mode can these $27,000,000 be supplied to the National Treasury, with least inconvenience to the people? Let us turn to the great charter, whence all our power is derived, and see what that says.

"The very first grant of legislative power in the Constitution, is an authority to supply the requisite revenue to carry on the Government. The eighth section of the first article of the Constitution is in the following words:

"'The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.'

"There is the grant of power by which the Treasury is to be supplied. We can take our choice from three modes, and three only. *First*, we may lay a *direct tax;* or, *secondly*, we may lay *excises;* or, *thirdly*, we may lay *duties* or *imposts*. Now, to which shall we resort? We must select one, as no other power is given, unless it be to borrow money; and none will think of that for the ordinary wants of the Government. If gentlemen will take the trouble to look into the annual printed account of receipts and expenditures for 1840, at page 242, they will find a tabular statement of all moneys received into the Treasury, from every source, from the commencement of the Government under the present Constitution, on the 4th of March, 1789, up to and including the year 1840. The whole amount received from all sources, except loans, was upward of $900,000,000. And from what sources do you suppose this vast amount was drawn? (Mr. Foster, of Georgia, was understood to inquire, if the amount collected by direct taxation was included in the statement of the gentleman?)

Mr. Fillmore.—"I speak of the whole amount collected, from the commencement of the Government down to 1840, inclusive, for the purpose of paying the debts and defraying the necessary expenses of the Government. During that time there have been periods when the ingenuity of man was taxed to its utmost to devise ways and means for supplying the Treasury; and the history of our Government for more than fifty years, is worthy of consideration, on a subject like this. I will give you the sources whence this immense amount was derived.

They are as follows:

From customs, or duties, - - -	$746,923,302 20
From excise, or internal revenue, - -	22,265,242 06
From direct taxes, - - - -	12,744,737 56
From postage, - - - - -	1,092,227 52
From the public lands, - - -	109,314,223 69
Dividends, and sale of bank stock, and bonus,	20,889,977 75
Making a grand total of	$913,179,710 78

"Thus you have the history of excise duties. They originated with the Long Parliament, which was afterward dissolved by Cromwell. Both parties promised to abolish them at the close of the war. We need hardly be told by Blackstone, that, from their origin to the present time, their name has been *odious*, yet they have been continued in Great Britain, and must be, for there every source of revenue has been exhausted, and every mode of taxation resorted to which ingenuity could invent, to raise the necessary means for carrying on an expensive government, and paying the interest upon their enormous public debt. And finally, the recent proceedings in Parliament show, that they have been compelled to adopt the war measure, and tax incomes to supply the deficiency. But I trust the necessities of such a nation are not to furnish precedents for us. Direct taxes and excises may be necessary and unavoidable in time of war; but those who would resort to them in time of peace would do well to read the legislation and reports on these subjects, and especially a report made by Mr. Randolph, in 1802, as Chairman of the Committee of Ways and Means, in which he states, that the expenses of collection are more than one-fifth, or 20 per cent; that the duty is *oppressive* and *vexatious*, and peculiarly obnoxious to our citizens; that the nature of *excise* is hostile to the genius of a free people, and its tendency is to multiply officers, and increase the patronage of the Executive; and he finally recommends a total repeal. If other evidence is wanted that excise is odious to our people, it may be found in the insurrection of Pennsylvania against this very tax. With all these facts staring us in the face, is there any one here so bold as to propose excise duties on our own manufactures, to supply the necessary means of carrying on the Government? If not, what remains? Nothing but the *duties on imports;* and to lay these duties is the object of the bill upon your table. This being the only remaining mode authorized by the Constitution, I deem it unnecessary to go into any argument to show that it is the best mode. All our experience proves that fact, and I owe

an apology to the House for having occupied so much of its time in showing the objections to direct taxes and excise duties. But for a series of years I think we may rely upon this bill producing, on an average, about $27,000,000, annually. Yet, after all, any person who will look over the past years, and see how the revenue from customs varies, must be satisfied that we can not calculate with any certainty for any particular year. All we can rely upon, is a general result for a series of years. The deficiency of one is supplied by the excess of another, and so *vice versa*, each compensating the other. The amount has varied, within a few years past, from $13,000,000 to $24,000,000. Assuming, then, that this bill will only produce from $25,000,000 to $27,000,000, it seems to me there is an end of the question, unless some gentleman can show that the duty on any particular item should be increased or diminished, with a view of adding to the amount of revenue.

"It is unnecessary to talk about levying duties for *protection*. If it is not expedient to resort to *direct taxation*, or *excises*, to supply the Treasury, then we have no alternative but *impost duties*, such as this bill proposes to lay, and protection to a reasonable extent becomes an incident which need not be sought, for it can not be avoided. It results as an inevitable consequence from a necessary and unavoidable act, and the bill becomes, as it was designed to be, a revenue bill, and a revenue bill only.

"Although this is the view which I am disposed to take of this bill, and although I am willing to listen to any amendments to add to or diminish the duty on any article, with a view of increasing the revenue, yet, I have no disguise of my own sentiments on the subject of protecting our own industry. I am free to admit that I am not one of those who either feel or profess to feel indifferent to our own interests. I prefer my own country to all others, and my opinion is, that we must take care of ourselves; and while I would not embarrass trade between this and any foreign country, by any illiberal restrictions, yet if by legislation or negotiation, an advantage is to be given to one over the other, I prefer my own country to all the world besides. I admit that duties may be so levied, ostensibly for revenue, yet designedly for protection, as to amount to prohibition, and consequently to the total loss of revenue. I am for no such protection as that. I have no disguise of my opinions on this subject. I believe that if all the restrictive systems were done away with, here and in every other country, and we could confidently rely on continued peace, that would be the most prosperous and happy state. The people of every country would then produce that which their habits, skill, climate,

soil or situation, enabled them to produce to the greatest advantage; each would then sell where he could obtain the most and buy where he could purchase cheapest; and thus we should see a trade as free among the nations of the world as we now witness among the several States of this Union. But however beautiful this may be in theory, I look for no such political millenium as this. Wars will occur until man changes his nature; and duties will be imposed upon our products in other countries until man shall cease to be selfish, or kings can find a more convenient mode of raising revenue than by imposts. But, there is yet another case where I hold that we are not only justified but required to encourage and protect our own industry; and I regret to say that this is a case which for obvious reasons, always has, and I fear always will, exist: it is where foreign nations, by their own legislation, exclude our products from their markets. We, as a whole, are an agricultural nation, occupying one of the broadest and most fertile tracts of country in the world. The South produces sugar, cotton, rice, and tobacco, and the North and West produce beef, pork, and breadstuffs. It appears, by the last census, that we have 3,717,756 persons engaged in agriculture, and only 791,545 in manufactures and trades, being near five to one employed in agriculture. Our lands are cheap and our soils productive; but if other nations prohibit the introduction of our products to their markets by high duties, what is our remedy? We want their manufactures; we offer them our breadstuffs in exchange; but they refuse to receive them: what shall we do? I say, meet restriction by restriction. Impose duties on their manufactures, and thereby encourage a portion of our own people, now raising wheat and corn to rot in their granaries, to engage in manufactures; thus lessening the amount of agricultural products, by converting a part of your producers into consumers, thereby creating a home market for your agricultural products, and thus raising their price. Is not this just? Great Britain has no right to complain that we meet restriction by restriction. We offer her our flour, pork, and beef for her iron, cloths, and other manufactures. She refuses our products, and draws upon our specie, crippling our banks, deranging our currency, and paralyzing our industry. We must protect ourselves, create and preserve a market for our own products, until she will consent to meet us on equal terms; and this, not by way of retaliation, but in self-defense.

"But I take a distinction between the *encouragement* and *protection* of manufactures. It is one thing for the Government to encourage its citizens to abandon their ordinary pursuits and engage in a particular branch of industry, and a very different thing whether the Government is bound to protect that industry by laws similar to those by

which it encouraged its citizens to embark in it. In the first place, there is no obligation on the part of the Government; its act is entirely voluntary and spontaneous. It may, or may not, encourage the production or manufacture of a particular article, as it shall judge best for the whole community. Before attempting it the Government should weigh well the advantages and disadvantages which are likely to result to the whole, and not to the particular class which may be tempted to engage. If a particular branch of industry is so important in its bearings upon the public wants, on account of its providing in time of peace, for some necessary article in time of war, then, as the strongest advocates of free-trade themselves admit, the Government may and should legislate with a view to encourage its establishment; and so, likewise, if it be necessary to provide a home market for our products, in consequence of the prohibitory duties levied upon them by foreign countries. But all these are questions to be decided according to the circumstances of each particular case; and, as I said, the decision should be made with a view to the benefit of all, and not of a few, or of any particular class or section of country. But when the Government has decided that it is best to give the encouragement, and the citizen has been induced by our legislation to abandon his former pursuits, and to invest his capital, and apply his skill and labor to the production of the article thus encouraged by Government; then a new question arises, for another party has become interested, and that is, whether we will by our subsequent legislation withdraw our protection from the citizen whom we have thus encouraged to embark his all in a particular branch of business for the good of the public, and overwhelm him with ruin by our unsteady, not to say perfidious legislation. I can consent to no such thing. It seems to me to be manifestly unjust. Our act, in the first instance, is free and voluntary. We may give the encouragement or not; but, having given it, the public faith is to a certain extent pledged: those who have accepted our invitation, and embarked in these new pursuits, have done so under the implied promise on our part, that the encouragement thus given should not be treacherously withdrawn, and that we would not tear down what we had encouraged them to build up. This I conceive to be a just, clear, and broad distinction between encouragement beforehand and protection afterward. The former is voluntary, depending wholly upon considerations of public policy and expediency; the latter is a matter of *good faith* to those who have trusted to the national honor. There is a further necessity for discrimination; and this, I suppose, will be strongly urged by the anti-protection men; it arises from the fact that the article on which you

impose the duty can be produced as cheaply, or nearly as cheaply, in this country as in any other. In such cases a small duty becomes prohibitory. Take, for instance, raw cotton or flour. We produce more of these articles than we consume. They can hardly be imported without duty, and a very small duty is entirely prohibitory; and when we become a manufacturing nation it will be so with regard to all our manufactures. Great Britain has reached this point, and hence we witness the strange phenomenon of Sir Robert Peel, as the leader of the British House of Commons, declaring himself in favor of free-trade, and against the imposition of any duty on manufactures over twenty per cent. And why is this? Simply because Great Britain manufactures more than she wants for her own consumption. Any duty, however high, is merely nominal, as nothing can be imported; and no duty affords any protection in the foreign market, where she has to meet and compete with all the world. The truth is, she has practiced the protection system so long that her home market is supplied by her own manufactures and now, forsooth, she pretends to great merit in reducing duties which she can no longer collect. But mark the caution with which Sir Robert Peel speaks of the duty on sugar. He declines explaining why he does not recommend a reduction of duty on that article. Is not the reason obvious enough? The climate of England is too cold to produce that article. No duty, however high, can operate as a prohibition, so long as people will use it; and it may, therefore, be taxed to almost any extent for revenue. This, doubtless, is the true reason why the duty is not reduced. It is known to the House that there are two modes of imposing duties—one ad valorem, the other specific; one looking to value, the other to quantity merely. I am aware that there is a feeling, which has pervaded the community ever since the Compromise Act, in favor of ad valorem duties, as the preferable form of the two.

"Now, I do not know, and can not pretend to say, how far prejudice or misconception may operate in this matter. Probably a little further examination of the subject would change opinions hastily taken up. I concede that, in theory, which often holds out to us a false light,

'That leads to bewilder, and dazzles to blind,'

the ad valorem mode may seem to be the best, because it may be argued that, in this mode, the duty is in proportion to the actual value of the thing taxed, which is the most conformable to justice. In theory it seems very plausible. But by experience, which, after all, is the best teacher, it is found that this apparently just mode of taxation leads to the most dangerous and the most mischievous results.

If gentlemen will look at the last tariff proposed in England, they will find that the duties are specific wherever it is possible to make them so. And why? Why was this done by so wise, and experienced, and cautious a nation? Because, in imposing an ad valorem duty, regard is always had to the cost of the article abroad, and not where the duty is paid. It may be asked why is this? Why not calculate the duty on the value of the article where imported? Because it is found impracticable. There are different qualities of the same article, and men's opinions as to those qualities are always found to differ; hence, ad valorem duties can not be made uniform. Thus, a gallon of wine imported into New York, may there have one value; a gallon of the very same wine imported into Charleston, may have there a higher or a lower value; it is matter of opinion. And if the duties are to be levied on this 'home valuation,' as it is called, the duties will not be uniform, as the Constitution requires them to be.

"Although I am in favor of cash duties, in preference to the practice which has heretofore prevailed, I am also in favor of a modified warehousing system. This I consider as the true substitute for the credit system. The Secretary of the Treasury has not, indeed, made any recommendation on this subject, because, as he states, he has not had time to examine it. He leaves it entirely to Congress. The warehousing plan forms no part or feature of his *project;* and therefore the Committee of Ways and Means have not considered it their duty to enter into the subject, as they otherwise would have done. What are the benefits it is calculated to produce? The plan has been adopted in Europe for many years. Indeed, it is about a century since the first attempt was made to introduce it into England, under the administration of Sir Robert Walpole; but so great were the clamors of the merchants, who had long been in the habit of defrauding the Government by obtaining credit on their bonds, that the Administration was finally forced to abandon the scheme. Indeed, Walpole was at one time in danger of losing his life by a mob, in consequence of his endeavors to carry it through Parliament. Since then, it never has been successfully attempted, until 1803, when it was adopted by the British Government, and has been practiced ever since. I have here a synopsis of the acts in reference to it. The warehousing system is a provision for lodging imported articles in warehouses until they are taken out and entered, and duties paid for home consumption; if they are re-exported the duty is remitted.

"But, sir, I will not dwell upon it. I feel exhausted myself, and fear I have wearied the patience of the House, with this long and imperfectly digested statement of the provisions of this bill. I feel

I owe the House an apology for the very imperfect and unsatisfactory manner in which I have been able to discharge the duty devolved on me; but constant and unwearied attention in the committee-room to the details of the bill, has prevented that attention to the general subject that was due to its importance.

"It only remains that I return my most sincere and grateful thanks to the House, for the kind and patient indulgence with which it has listened to my remarks, for which I feel that I am indebted rather to the interest felt in the subject itself than to any thing in my manner of presenting it."

MARTIN VAN BUREN.

The history of the distinguished subject of this sketch is so intimately connected with that of his country, that the one can not be read intelligibly without the other. In person, Mr. Van Buren, like Mr. Adams, was below the common hight; head large, with retreating high forehead, bald to the ears, sandy thin hair, light sandy whiskers, light blue eyes, fine features. He was social, kind, pleasant, in his private intercourse, but, like Mr. Adams, he merely touched the ends of your fingers when he took your hand: not like Gen. Jackson and Henry Clay, who always grasped your hand warmly up to the thumb. The high and responsible positions held by Mr. Van Buren for many years, at home and abroad, place him at once in the first rank of his eminent countrymen. It is no part of the purpose of this sketch, to disturb his position, or to mutilate the record, much less to write the biography of Mr. Van Buren; let that be the task of the biographical historian. The incidents and facts, connected with his professional and public life, would fill a most interesting volume.

I had known Mr. Van Buren, through the public press, many years, but only became personally acquainted with him during the last two years of his administration. He had been Secretary of State under President Jackson. I had read his diplomatic correspondence: I was apprized that he had the ear and the confidence of the President; I had seen the ear of Gen. Jackson withdrawn from Mr. Calhoun, placing Mr. Van Buren supreme in prospect for the succession. Gen. Jackson had been re-elected for the second term, by an overwhelming majority. The Democratic party stood united, with the exception of a small section of nullifiers in the South, with Mr. Calhoun at their head. It soon became obvious to the public that Mr. Van Buren was to be the Democratic nominee for the succession. It was seen that the administration was directed to his success. He received the nomination, and was elected by a plurality of the votes of the people, but by a majority of the electoral votes, over Daniel Webster, Hugh Lawson White, and Gen. Harrison. Coming into power in the wake of Gen. Jackson, and pledged to tread politically in his footsteps, he seemed to have before him nothing but plain sailing. He had a right to expect the support of the Democratic party, so long as he administered the Government upon the principles of the Jackson administration. His Cabinet was composed of distinguished Democrats. But the strength of the party proved the weakness of the Administration. Experience has fully proved, that in all popular governments, the greatest danger to the dominant party consists in

its supposed power and security. There is always more danger from internal dissensions than from external violence. So long as the fear of the enemy exists, so long will the camp stand to their arms united, and the watchmen remain at their posts; but the moment it is believed that there is no danger without, the very watchmen will mutiny. The Whig party was supposed to be almost annihilated by the second election of Gen. Jackson, and whatever of strength they had left, so divided and distracted as to give the Democratic party no alarm. From the moment Mr. Van Buren was inaugurated the dissensions commenced, and the party strength began to wane; still the leading politicians of the party stood by him. At the expiration of his term, he was nominated for the succession, and entered the contest upon a decreasing popularity. The Whig Convention at Harrisburgh nominated Gen. Harrison as their candidate; and it was now evident that the contest was to be even-handed. It was feared by the Whig party, that there might be some dissentients of those who preferred Mr. Clay or Mr. Webster to Gen. Harrison; and it was evident, from the tone of the Democratic press, that much reliance was placed upon that fact; but the magnanimous course pursued by Mr. Clay and Mr. Webster, in warmly supporting the nominee, dispelled all fears on the one hand, and all hopes on the other.

The election came on. Gen. Harrison was elected by an overwhelming majority of the people, as well as of the electoral vote. The great Democratic party that was supposed to be impregnable, was not only defeated, but scattered to the winds. Gen. Harrison survived his inauguration but a short month. Mr. Tyler, the Vice President, elected on the Whig ticket, became the Constitutional President, and deserted the Whig party, as I have stated in my sketch of John Tyler. Here again, a great party coming into power by an overwhelming majority, was in a few months in a hopeless minority. Of the Tyler administration, I say nothing; it was only remarkable for the evidence it affords of the stability of our Government, under the most trying, political circumstances. The Administration of Mr. Tyler, had the confidence of no party; still it received sufficient support from both parties, to enable it to administer the Government.

Time rolled on. The term of Mr. Tyler was about to expire; the party cry resounded again through the land; the delegates of the Democratic party met at Baltimore, to nominate their candidate for President. The names of Mr. Van Buren and Gen. Cass were prominent. The rule requiring two-thirds to make a nomination, was introduced by the friends of Gen. Cass, and obtained a majority. The balloting commenced. Mr. Van Buren received a majority of all the

votes, but never reached the two-thirds, required for a nomination. The main wings of the convention, despairing of obtaining two-thirds for either of the prominent candidates, with entire unanimity fell upon James K. Polk, as the compromise candidate, and he was placed at the head of the Democratic national ticket.

The nomination took all parties by surprise. It was considered at the time, as a weak ticket, but the result proved that its weakness was its strength. Mr. Polk had no enemies. All the shades of the party could unite upon him. He was comparatively unknown, although he had filled many high offices, and was a good man. There were occasional amusing paragraphs in the papers, immediately upon the nomination. I have some recollection of one that was significant at the time. I have lost the original that I cut from the paper, but give the substance. A horseman dashes up to the door of Tammany Hall, where the sachems were standing, waiting for the news from Baltimore. "I'll bet my bay, that you can not guess in four guesses who is the nominee." "Done, we'll take the bet, and win the bay." "Van Buren," "Cass," "Buchanan," "Marcy." "None of these." "Then who on earth can it be?" "James K. Polk." "And who is he?" "Why James K. Polk of Tennessee." "Three cheers for James K. Polk, our nominee, the very man we thought it would be." There lies the strength of the Democratic party. The nominee is the very man they thought it would be. With James K. Polk, the convention nominated Silas Wright, of New York, the attached personal and political friend of Mr. Van Buren, for Vice President. Mr. Wright declined accepting, but afterward at the urgent solicitation of his political friends, accepted the nomination for Governor of New York; ran and was elected over Mr. Fillmore, and by running, no doubt gave the State of New York to Mr. Polk over Mr. Clay.

Mr. Van Buren was never reconciled to his defeat, which he charged no doubt correctly to the friends of Gen. Cass, in pressing the two-thirds rule that had defeated his nomination. At the subsequent nomination of Gen. Cass, Mr. Van Buren refused to support him, received and ran upon the Buffalo free-soil nomination, and unquestionably caused the election of Gen. Taylor over Gen. Cass. Soon after that election, Mr. Van Buren made the tour of Europe, was received every where, with distinguished regard and high consideration. He returned home in fine health, and again coalesced with the Democratic party. He is now enjoying a green old age, at his Kinderhook residence in New York. He is the father of John Van Buren, distinguished as a New York lawyer and politician of more modern times.

LUCIAN BARBOUR.

THE subject of this sketch during the last session, took a prominent stand among the Republican Members of Congress. Representing the center district of the State, including the capital, his position was looked to by his constituents with much interest. Mr. Barbour is in person tall and commanding, hair sandy, inclined to red, eyes light, features prominent. As a speaker, he is plain, distinct, clear, and forcible; he makes no pretense to declamatory eloquence, but always speaks sensibly upon the facts before him. He has the advantages of a good early education. At the bar, Mr. Barbour stands deservedly high, among the first, while his high moral character gives great weight to his standing in society. For the purpose of placing before the reader his style, I give a short extract from his speech delivered in Congress the 18th of March last, in the contested election case from the Territory of Kansas.

"The honorable gentleman from Iowa (Mr. Hall), who has just taken his seat, professes to be in favor of an investigation, but he desires that it shall be conducted subject to certain rules and regulations, which would prohibit the committee from inquiring into the validity of the late Territorial Legislature, and forbid all inquiry into the validity of the election laws, and the certificates of the election. He is opposed to an investigation upon the basis proposed by the committee. He insists that we have no right to inquire whether the Legislature of Kansas Territory was legally constituted; that we have no right to inquire into its origin; and that the laws enacted by that body are binding upon the country and upon this House.

"Now, Mr. Speaker, it is my purpose to show that it is our duty to use all the means within our power to bring all the facts before this House and before the country; to do it by strict rules of law, but without regard to technicalities. In the investigation of frauds, violence, and corruption, forms of law, merely, can not be interposed. Forms of law, of legislature, or executive or judicial proceedings, can not legalize fraud, violence, and corruption. We have referred this matter to a standing committee of the House, and, in the discharge of their duty, they ask the House for authority to send for persons and papers—a power which has always heretofore been granted to a committee when asked for. The committee have stated in their report the facts which are alleged before them by the contestant, and have given their reasons why they ask for this authority. Some authority of this kind must be granted to this committee, or to a select com-

mittee. It would be according to precedents to grant this request. It would be contrary to the custom of the House to constitute another committee for the investigation of a matter which properly belongs to the Committee of Elections. They have the responsibility of the matter; let them control the action.

"I have said that the allegations of the contestant are before us. The minority of the committee in their report, and the gentlemen who have spoken upon the other side of the House, say, in answer, that if the charges are true, still it is not competent for the House to inquire into them, or take any notice of them; that they belong to another forum; that they have been passed upon and settled elsewhere; and that this House, as well as all other departments of the Government, are bound by the decision. This, Mr. Speaker, is a fair statement of their position.

"The authority of the House to make this inquiry is derived from the Constitution. 'Each House shall be the judge of the elections, returns, and qualifications of its members.' It is argued by the other side of the House, that the grant, *ex vi termini*, is confined to the election and returns; that we can not inquire into any anterior facts or proceedings. This they say is strict and correct construction. I have stated their argument in as strong terms as they have stated it themselves. Let us examine it. The grant of the power to judge, is a grant of all the means necessary to form a correct and impartial judgment, and the power to enforce it. The entire jurisdiction is given, and it is limited only by the subject matter. It includes the right and necessity of taking testimony, with all the incidents and coercions. The inquiry must be comprehensive, and embrace all the substantial elements that enter into the elections and returns. The jurisdiction is not given by halves, nor in limited terms; it is given for a public use and the preservation of the Government, and must be so exercised. In the other end of the Capitol, the majority of the Committee on Territories have recently made a report upon the state of affairs in Kansas. In that report an inquiry is made as to the right of the United States to establish and maintain a Government in Kansas. The committee maintain that the United States have rightfully established the Government there, and that it is their duty to sustain it. But they say that the right is not derived from the clause of the Constitution giving to Congress power to dispose of and make all needful rules and regulations for the territory and other property of the United States. They say it grows out of the clause of the Constitution which provides that 'new States may be admitted by Congress into this Union.' They argue, that since Congress may admit new States,

Congress is thereby invested with the necessary power to organize Territories. This is their language: 'Is not the organization of a Territory eminently necessary and proper, as a means of enabling the people thereof to form and mold their local and domestic institutions, and establish a State government, under the authority of the Constitution, preparatory to its admission into the Union?' I do not mean, by citing this, to express any approval of the reasoning of the majority of the Senate committee. I dissent from it. But I cite it to show how different members of the same party contrive to shift their position—sometimes on the strict, and sometimes on the liberal construction—just as the exigency of the occasion requires. By this rule, it seems that the power to admit new States implies the power to organize and continue the government of a Territory; but the power to judge of the validity of an election, does not imply the right to inquire whether the time and place of holding an election were designated by the people of the Territory, and the rules regulating the same were founded and established in fraud and violence. The statement of the case is a sufficient refutation. This House has repeatedly held that every thing that pertains to or enters into the elements of an election is properly the subject of inquiry in cases of contests.

"I proceed now to notice some of the numerous cases of contests upon which the House and Senate have passed. These cases establish the following positions:

"1. This House will examine into the powers and jurisdiction of State courts, and the validity of their proceedings. This was the case of Biddle *vs.* Richard, in the eighteenth Congress. The contest related to the sitting Delegate from the Territory of Michigan. He was a native of France, and had made his application to, and received his certificate of naturalization from, the court of the county of Wayne, in that Territory. It was objected, that the court was not competent to naturalize foreigners. This objection was entertained by this House, and involved the jurisdiction of the court, and the validity of a certificate granted by it.

"2. This House will examine into the validity of a State law. This was the case of Barney *vs.* Mc Creery in the Tenth Congress. The contest related to a member from the State of Maryland. By an act of the Assembly of that State, Baltimore city and county were made the fifth district, entitled to two Representatives, one of which should be a resident of Baltimore county, and the other should be a resident of Baltimore city. The question was raised in that case, and entertained by the House, whether a law of a State which required that a citizen, to be eligible, should reside in a particular part of the district,

was Constitutional; and this House held that it was not. In another case, Draper *vs.* Johnston, in the twenty-second Congress, which related to a contest of a member from Virginia, this House entertained a question as to the effect of a State law, and held that 'the law requiring votes to be returned within a limited time *was directory* only; and if they were not returned by the time, the election was not thereby vitiated—they might be received afterward.'

"3. This House will even look into the provisions of State Constitutions. This has been done during the present Congress, in the Senate; and that body holds the provision in the Constitution of the State of Illinois, in relation to the eligibility of the Judges of that State to United States offices, to be void. We have the same question to pass upon, in this House, at this session.

"4. This House will inquire into the legality of a Territorial Legislature. This was the case of Randolph *vs.* Jennings, in the eleventh Congress, and related to the Delegate from the Territory of Indiana. The case being referred to the committee, the question was raised and entertained in the committee, and in the House, whether the Legislature which enacted the law under which the election was held was a valid Legislature, legally constituted. The question was entertained without objection, and that is enough to establish the principle. There was also a question as to the regularity of the election returns. Both questions were passed upon by the House.

"5. The Senate did, on one occasion, inquire into the legality of a State Legislature. This was the case of Potter *vs.* Robbins, in the twenty-third Congress. The facts were these: On the 19th of January, 1833, Mr. Robbins was elected, by the Legislature of the State of Rhode Island, to the Senate of the United States, for the term of six years from the 4th of March succeeding. His credentials were in due form made out and furnished to him, and in February of the same year read in the Senate and recorded on its journals. In October, 1833, the General Assembly of Rhode Island declared this election void, on the ground that the Legislature by which it was made had not, at the time, a due and legal existence; and, proceeding to the election of another person, they made choice of Mr. Potter. The question of the legal existence of the Legislature which elected Mr. Robbins, was entertained and passed upon in the Senate of the United States in judging of the validity of the election of the sitting Senator.

"6. The Senate of the United States on another occasion, passed upon the validity of the appointment of a Senator by the Governor of Connecticut, and determined that it was not competent for the Executive of a State, in the recess of the Legislature, to appoint a Sena-

tor, to fill a vacancy which was about to happen, but had not happened at the time of the appointment.

"Mr. Speaker there are numerous other cases that might be cited to sustain the application made by the committee. Some of them have already been cited by gentlemen who have spoken upon this side of the question, and I will not consume the time of the House in examining them. Some of these cases are peculiarly in point. They establish the right and usage of the House to examine into the validity of even a State Legislature, upon the proper allegations. In the case of Potter *vs.* Robbins, the majority of the committee in their report, discussed the following propositions: '1st. Was the commission of Asher Robbins made and executed in conformity with the provisions of the Constitution of the United States, and the laws and usages of Rhode Island, prescribing the time, place and manner of choosing Senators to Congress? 2d. Was Mr. Robbins, at the time of his election, eligible, according to the Constitution of the United States, to the office of Senator? 3d. Was he chosen by the *Legislature* of the State of Rhode Island?' In examining the third question, the majority of the committee say that, to constitute a *Legislature*, there must be in existence a Governor, a Senate and House of Representatives; and to pass upon that question correctly, and determine whether the term of office of the Governor and Senate had expired before the time of the election of Mr. Robbins, they examined into 'the ancient charter of Charles II., of England, granted to the Colony of Rhode Island and Providence Plantations, in 1663, which had not been superseded by a written Constitution since the Revolution, and into the various laws which had been enacted, modifying the provisions of the charter.' After examining the charter and laws, and finding that the Legislature was elected, and assembled according to law, they say, 'It remains then, to be inquired, was this body so assembled, the *Legislature* of Rhode Island? The law, by virtue of which they continued to exercise the power of legislation, is said to be repugnant to the charter. If this be a sound objection, it at once annuls every part of their proceedings, and, as a necessary consequence, that of choosing a Senator in Congress.' The minority differed from the majority in their conclusions, upon the examination. The minority report was written by *Silas Wright, Jr.* In that report he says: 'Will the Senate look behind this commission, to determine whether or not it was properly granted? The undersigned believes that it is not only the right, but the duty, of the Senate to do so.' * * *

'The question now presented is, Was Mr. Robbins chosen by the

Legislature of the State of Rhode Island?' He could not but consider it a plain proposition, and not requiring argument to support it, that when the Constitutional organization of a body of men, claiming to be the Legislature of a State, is the question in issue, the acts of that body, whose Constitutional powers are disputed, are not to be advanced as evidence of the Constitutional power of the body to perform them. When the Constitutionality of a legislative act is in question, he could not believe that the act itself is to be relied upon as evidence of its own validity. Equally clear was it to his mind, that when such a question was to be determined, the consequences of pronouncing the act invalid were not considerations which should legitimately control the decision. The act is either Constitutional or unconstitutional. If Constitutional, the dispute is settled. If unconstitutional, no consequences to follow from the pronunciation of the fact, can make it valid. So with the body claiming to be the *Legislature* of the State. If it is the *Legislature* of the State, according to the provisions of its constitution, the controversy is at an end; if it is not the *Legislature* of the State, no act of theirs in their assumed character, and no consequences to follow from the invalidity of those acts, can give them the powers which they had not when the acts were performed, or make them what they were not, the *Legislature* of the State. But if consequences can be legitimately considered in the argument, the undersigned feels compelled to say, that to his mind the decision that the State of Rhode Island has no fundamental law or constitution of government but the will of its Legislature, will be a consequence to its people much more serious than any which can be apprehended from pronouncing void the acts of the body of men assuming to be the *Legislature* of the State from May, 1832, to May, 1833.' It will be seen, by an examination of the reports of the committee, that no party hesitated to entertain the question involving the validity of the Legislature, but they differed in their construction of the charter of Charles II.

"In the case of the Delegate from Indiana above referred to, the committee in their report say: 'After deliberate examination of the laws relative to Indiana Territory, they consider it to be their duty to investigate the authority under which the election of a Delegate to represent that Territory was held, previous to the examination of the irregularities suggested; because, if the election was held without authority of law, it was void, without regard to irregularities.' The committee proceed to say, that the law under which the election was held was void, because the Legislature which directed the election

was not a valid Legislature. This same question, which involved the principle now before the House, was then entertained, and that is enough for our purpose.

"When the gentlemen upon the other side of the House argue that we can not go behind the Legislature of Kansas in our inquiry, or behind any law of the Legislature, they do not advance a single step in the argument. They evade the question before the House, and confound distinctions. No one claims the right to disregard a Legislature or any of its acts—I mean a valid Legislature, for there can be no other, in fact. The true question is, Was that body in Kansas *the Legislature?* The gentlemen, in their argument, beg the question, and reason gravely from the conclusion to the premises. They confound the question of fact, with the legal consequences of the fact. If that body was the legal Legislature, we can not press our inquiries beyond it. If it was not the legal Legislature, it presents no barrier to our inquiries, and none of its acts are laws. Nothing but the will of the people of Kansas, legally expressed, could create a Legislative body for that Territory. The charge is, that the will of the people had not been expressed, but that a body of men had been chosen by fraud, violence, and corruption; and that this body, in furtherance of the fraud, organized in the form of a Legislature, and usurped its authority. When we are told that we must take this body as the legal Legislature, and the laws as we find them, we reply that we will look into the elements which compose this supposed Legislature.

"What I have said of fraud applies also to violence. A person acting under duress is at liberty to disavow the act, when restored to his liberty; much more is he at liberty to repel the force by which he is restrained; and no lapse of time or circumstance, while the usurpation or force continues, can interpose to prevent him from asserting his rights. So, if the supposed Legislature of Kansas was imposed upon the people by external violence, they are not only free from allegiance to the laws of such a Legislature, but they are bound to resist them, and set them aside. Submission to such laws would be treason to the State. While unreserved submission to the law is the duty of an American citizen, he has no right to tolerate a tyrant or usurper upon American soil. Such are the principles of American jurisprudence and American politics.

"Although we have precedents for the inquiry which the report of the committee contemplates, I confess that I would not hesitate one moment to enter upon the investigation of this charge, even if we could find no precedent for it. The case furnishes its own authority.

The principles involved are fundamental. The wrong charged is startling. If true, all civil rights in the Territory are prostrated. There is no free government left. If the same wrong should be perpetrated in every State, Republicanism would be at an end. The right to investigate such charges must pertain to this House. The duty to redress such wrong, is coequal with the power of the Government. We have no right to shut our eyes to an evil which threatens our existence.

"When I was interrupted by the gentleman from Missouri, I was examining the facts that are alleged by the contestants as the groundwork for the investigation. They are grave charges. They involve fraud and corruption, violence and crime. They are, in substance, that an invasion has been set on foot, in one of the States of the Union, against a defenseless Territory, which resulted in a triumphant usurpation; that the rights and will of the people have been disregarded; and that a foreign power is now dominant in that Territory. The answer given by the gentlemen upon the other side of the House is, that even if these things are so, we can not go behind the forms of the Legislature and the law, to inquire into the substance.

"The gentleman from Maryland (Mr. Davis), spoke learnedly and eloquently upon the right of the House to pursue this inquiry. He admitted that, under some circumstances, we might inquire into the validity of a Legislature and of a law; but he thought this was a political question, and that its decision rested with the Executive. He argued, that because the Executive, in the execution of the law, must determine this question, it was therefore proper that his decision should control this House and the country. In that, I conceive, the learned gentleman departed from his usual accuracy. The Executive must execute the laws, and he is often called upon to judge of and construe them. But his judgment does not bind the courts, or the Legislature. Indeed, it often happens that his proceedings are reversed by the judgment of a court, rendered against the validity of a law.

"The fault in the gentleman's argument is, that he did not take the proper distinction. He spoke of the question as being political, and not judicial. If there is any such distinction strictly, it is not in the subject matter, but in the *action* upon the subject matter. The action of the Executive is political, and not judicial; nor is it legislative. The action of the Executive begins and terminates in the Executive department. So the action of this House begins and terminates with its own proceedings. The House is sovereign in its own sphere of action. Its decision can not be passed upon in review elsewhere. The

House has not only plenary jurisdiction in judging of the elections, returns, and qualifications, of its members, but it also has plenary power to execute its decisions. It calls upon no other department for advice or assistance. It pronounces its decrees, arms its officers, and by them executes its will.

"We are reminded that the Governor of the Territory is the judge of the returns of the election of members of the Legislature, and upon those returns he issues his certificate. In reply we say, that the allegations are, in substance, that the returns were fraudulently made out by those who violently took possession of the polls; that the Governor was imposed upon by these fraudulent returns; and that certificates were obtained from him by fraud. We have seen that the remission of a fine obtained from the Executive by fraud, was set aside by a court; and any other act of the Executive procured by fraud would be as readily set aside. Such certificates would be a nullity, and would be so declared by the court. But a certificate of election makes only a *prima facie* case. It entitles a member to his seat when there is no contest, but it is never set up as a bar to an inquiry in a contested case.

"The honorable gentleman from Maryland [Mr. Davis] warned us, in eloquent language, of the danger of usurping the prerogatives of the Executive, and deciding questions touching the Territory, which do not come within the jurisdiction of the House, and says that confusion and anarchy must be the result. Aye, sir! *confusion and anarchy!* What terms have the gentlemen to apply to the proceedings which took place in that unfortunate Territory, when the outrages complained of were committed? when the rights of the citizens were trodden under foot? when fraud and violence were successful? when the forms of law were shamelessly resorted to, to secure the fruits of invasion and conquest? when Tyranny, with iron heel, trampled Freedom in the dust? How long shall we delay our action, and stifle inquiry, lest we might produce confusion and anarchy?

"Let us examine the argument. It is, that this stupendous fraud is clothed in the forms of law, and rights have vested under it. That it is a question for the Executive, and beyond the limits of our power. This is urged in derogation of the universal law, that fraud taints every thing it touches. Sir, no lapse of time cures it; no rights grow out of it to the guilty parties; no form sanctifies or shields it; no villanies ever ripen into virtuous deeds. I would follow it, and make war upon it, wherever it may be found. Whenever it is alleged that there is a State or Territorial Government, that there is a decree of court or other act of the judiciary, or a pre-

tended law, grounded in fraud, and the question comes fairly before this House, when it is involved in the right of a member to his seat, I would, in the investigation, follow it through all its forms, and seek out all its hiding-places. I would tear away all such foundations, and whatever structure rested upon it might topple to the ground. Nothing that is valuable can suffer from such an investigation, while it is legitimately pursued.

"It is not for me to impute or question motives. I do neither. But I am free to remark, that it appears like shrinking from an investigation. I do not stand here to dictate to others, or to advise the course they should pursue; but if the citizens of the State of Indiana were implicated in a charge of repeated acts of violence and fraud toward the citizens of a defenseless Territory, I would instantly demand the most thorough investigation. And how much more would I insist upon an inquiry, if it was charged that the people of Indiana had usurped the government of a defenseless Territory. The duty of this House would not be the less imperative to proceed with the inquiry, if I should stand in my place and resist every attempt toward an investigation.

"I am satisfied that a full exposure of all the facts, by the means proposed by the committee, will restore harmony and prosperity to that part of our country."

JOHN C. FREMONT.

I BECAME partially acquainted with Col. John C. Fremont, at Washington city, before his first exploring expedition to the Rocky Mountains. In person, Col. Fremont is about the medium hight, spare of flesh, but strong in bone and muscle; hair black and parted in the center, falling carelessly in folds over his large head, to the shoulders; eyes and eye-brows black, complexion dark and swarthy, large square forehead, mouth wide, good features, countenance stern, marking him as a man of talent, courage, firmness and untiring perseverance. I thought at the time I first saw him, and Lieut. Wilkes of the Naval Exploring Expedition, that I had seen no two men to whom I would so soon intrust the command of a perilous expedition, by sea or by land, as to these young officers in the army and navy. The subsequent perilous explorations of Col. Fremont, have placed him among the very first of inland adventurous explorers, in modern or ancient times.

It is not my purpose even to epitomize the reports and sketches that have reached us officially and otherwise, of the different explorations, perils and sufferings of Col. Fremont, these have long since been laid before the people by the press. I will, however, attach to this sketch, a few interesting extracts from his first report, premising that his trials and suffering had scarcely a beginning until his second exploring visit to the Pacific, when he was met by the mountain snows, want of provisions, severe mid-winter storms, death of companions, himself reduced by starvation to a skeleton. For these perils I must refer the reader to his own statements, which are too lengthy to find a place here.

Col. Fremont and his explorations filled a large space in the eye of the reading public for years. He settled in the Territory of California while quite a young man, and was returned by that young State, after she was admitted into the Union, as one of her first Senators to Congress, where he remained but a short time. While in California he purchased the quartz gold-bearing Mariposa tract, about which so much has been published. The prominent position of Col. Fremont in the public mind, his known talents, firmness and devotion to the Free-Soil party, standing in opposition to the repeal of the Missouri Compromise line, and opposed to the extension of slavery, regardless of his Democratic antecedents, induced the Free-Soil Convention that met at Philadelphia, in 1856, to nominate him as their candidate for President. This nomination was made by delegates from the Free States, the Slave States refusing to take any part in the

Convention. It fell upon the public mind as entirely sectional. Mr. Buchanan was nominated by the Democratic Convention at Cincinnati, the same year. At first the Southern delegates in convention preferred Stephen A. Douglass, but ultimately came into the support of Mr. Buchanan, and he was nominated as the conservative candidate, holding in his hands the keys of the Union; a man eminently qualified with age and long experience. The candidates were placed before the nation, the election was obviously to turn upon sectional grounds and principles, upon both sides. It was whether slavery should be extended without limitation, over all the Territories, at the will of the people of such Territories; this was the sectional view of the South; or whether Congress should circumscribe slavery, to the country south of 36° 40′ of latitude, the Missouri Compromise line. The North said Congressional limitation; the South said no Congressional restriction; each was favorable to its sectional institutions. The partisan cry was raised that each party was looking to a dissolution of the Union. I had frequently heard that sound before, to answer political ends, but I have never discovered any want of attachment to the Union, in either of the great parties that divide the people of the United States; and I am far from believing, that any considerable portion of the people could be led to the perpetration of the suicidal act of dissolving or seceding from our Union.

In this case it would be an unwarrantable assumption to presume that the patriotic States of New England, New York, Michigan, Ohio, and others, that supported Col. Fremont, were actuated by hostility to the Union, because there may have been a few in those States who have no special regard for it, and maintain higher law doctrines than the Constitution of the United States. In like manner, who can say that the Southern States, that gave Mr. Buchanan their united support, were governed by hostility to the Union, because the State of South Carolina holds a few of the Barnwell Rhett school of seceders from the Union.

I am happy to say, that after many years connection with the prominent men of the nation, and closely noticing the political movements, and the results of our general elections, I consider the American people sound to the core, on the question of the perpetuity of our glorious Union. The result of the election of Mr. Buchanan, was quietly acquiesced in. Mr. Buchanan as President, is administering the Government, at peace with all the world, while Col. Fremont occupies the high position of an American citizen, still in the summer of his life, honored and respected by all who know him.

"WASHINGTON, March 1st, 1843.

"To COL. J. J. ABERT,

CHIEF OF THE CORPS OF TOPOGRAPHICAL ENGINEERS:

"SIR: Agreeably to your orders to explore and report upon the country between the frontiers of Missouri and the South Pass in the Rocky Mountains, and on the line of the Kansas and Great Platte rivers, I set out from Washington city on the 2d day of May, 1842, arrived at St. Louis, by way of New York, the 22d of May, where the necessary preparations were completed, and the expedition commenced. I proceeded in a steamboat to Chouteau's Landing, about 400 miles by water from St. Louis, and near the mouth of the Kansas river; whence we proceeded twelve miles to Mr. Cyprian Chouteau's trading house, where we completed our final arrangements for the expedition.

"We reached the ford of the Kansas, late in the afternoon of the 14th, where the river was two hundred and thirty yards wide, and commenced immediately preparations for crossing. I had expected to find the river fordable, but it had been swollen by the late rains, and was sweeping by with an angry current, yellow and turbid as the Missouri. Up to this point, the road we had traveled was a remarkably fine one, well beaten and level, the usual road of a prairie country. By our route the ford was one hundred miles from the mouth of the Kansas river. Several mounted men led the way into the stream to swim across. The animals were driven in after them, and in a few minutes all reached the opposite bank in safety, with the exception of the oxen, which swam some distance down the river, and returning to the right bank, were not got over until the next morning. In the meantime, the carts had been unloaded and dismantled, and an India-rubber boat, which I had brought with me for the survey of the Platte river, placed in the water. The boat was twenty feet long and five feet broad, and on it was placed the body and wheels of a cart, with the load belonging to it, and three men with paddles.

BUFFALOES.

"The air was keen the next morning at sunrise, the thermometer standing at 44°, and it was sufficiently cold to make our overcoats very comfortable. A few miles brought us into the midst of the buffaloes, swarming in immense numbers over the plains, where they had left scarcely a blade of grass standing. Mr. Preuss, who was sketching at a little distance in the rear, had at first noted them as large groves of timber. At the sight of such a mass of life, the traveler feels a strange emotion of grandeur. We had heard from a

distance a dull and confused murmuring; and when we came in view of their dark masses, there was not one among us who did not feel his heart beat quicker. It was the early part of the day, when the herds are feeding, and every where they were in motion. Here and there a huge old bull was rolling in the grass, and clouds of dust rose in the air from various parts of the bands, each the scene of some obstinate fight. Indians and buffaloes make the poetry and life of the prairie, and our camp was full of their exhilaration. In place of the quiet monotony of the march, relieved only by the cracking of the whip, and an '*avance donc! enfant de garce!*' shouts and songs resounded from every part of the line, and our evening camp was always the commencement of a feast, which terminated only with our departure on the following morning.

"*July* 1.—Along our road to-day, the prairie bottom was more elevated and dry, and the hills, which border the right side of the river, higher, and more broken and picturesque in the outline. The country too was better timbered. As we were riding quietly along the bank, a grand herd of buffaloes, some seven or eight hundred in number, came crowding up from the river, where they had been to drink, and commenced crossing the plain slowly, eating as they went. The wind was favorable, the coolness of the morning invited to exercise, the ground was apparently good, and the distance across the prairie, two or three miles, gave us a fine opportunity to charge them before they could get among the river hills. It was too fine a prospect for a chase to be lost; and, halting for a few moments, the hunters were brought up and saddled, and Kit Carson, Maxwell, and I, started together. They were now somewhat less than half a mile distant, and we rode easily along until within about three hundred yards, when a sudden agitation, a wavering in the band, and a galloping to and fro of some which were scattered along the skirts, gave us the intimation that we were discovered. We started together at a hand-gallop, riding steadily abreast of each other; and here the interest of the chase became so engrossingly intense, that we were sensible to nothing else. We were now closing upon them rapidly, and the front of the mass were already in motion for the hills, and in a few seconds the movement had communicated itself to the whole herd. A crowd of bulls, as usual, brought up the rear, and every now and then some of them faced about, and then dashed on after the band a short distance, and turned and looked again, as if more than half inclined to stand and fight. In a few moments, however, during which we had been quickening our pace, the rout was universal, and we were going over the ground like a hurricane. When at about thirty yards we gave the usual shout, the

hunters' *pas de charge*, and broke into the herd. We entered at the side, the mass giving way in every direction. In their heedless course many of the bulls, less active and less fleet than the cows, paying no attention to the ground, and occupied solely with the hunters, were precipitated to the earth with great force, rolling over and over with the violence of the shock, and hardly distinguishable in the dust. We separated on entering, each singling out his game. My horse was a trained hunter, famous in the West under the name of Proveau, and with his eyes flashing, and the foam flying from his mouth, sprang on after the cow, like a tiger. In a few moments he brought me along side of her, and rising in the stirrups, I fired at the distance of a yard, the ball entering at the termination of the long hair, and passing near the heart. She fell headlong at the report of the gun; and checking my horse, I looked around for my companions. At a little distance Kit was on the ground, engaged in tying his horse to the horns of a cow he was preparing to cut up. Among the scattered bands, at some distance below, I caught a glimpse of Maxwell; and while I was looking, a light wreath of white smoke curled away from his gun, which I was too far from to hear the report. Nearer, and between me and the hills, toward which they were directing their course, was the body of the herd, and giving my horse the rein, we dashed after them. A thick cloud of dust hung upon their rear, which filled my mouth and eyes, and nearly smothered me. In the midst of this I could see nothing, and the buffaloes were not distinguishable until within thirty feet. They crowded together, more densely still, as I came upon them, and rushed along in such a compact body, that I could not obtain an entrance—the horse almost leaping upon them. In a few moments the mass divided to the right and left, their horns clattering with a noise heard above every thing else, and my horse darted into the opening. Five or six bulls charged on us as we dashed along the line, but were left far behind, and singling out a cow, I gave her my fire, but struck too high. She gave a tremendous leap, and scoured on swifter than before. I reined up my horse, and the band swept on like a torrent, and left the place quiet and clear.

"*July* 4.—As we were riding slowly along this afternoon, clouds of dust, in the ravines to the right, suddenly attracted our attention, and in a few minutes column after column of buffaloes came galloping down, making directly to the river. By the time the leading herds had reached the water, the prairie was darkened with the dense masses. Immediately before us, when the bands first came down into the valley, stretched an unbroken line, the head of which was lost among the river hills on the opposite side; and still they poured down from the

ridge on our right. From hill to hill the prairie bottom was not less than two miles wide, and allowing the animals to be ten feet apart, and only ten in a line, there were already eleven thousand in view. Some idea may thus be formed of their number, when they had occupied the whole plain. In a short time they surrounded us on every side, extending for several miles in the rear and forward, as far as the eye could reach, leaving around us, as we advanced, an open space of only two or three hundred yards. This movement of the buffaloes indicated to us the presence of Indians on the North Fork.

"I halted earlier than usual, about forty miles from the junction, and all hands were soon busily engaged in preparing a feast to celebrate the day. The kindness of our friends at St. Louis had provided us with a large supply of excellent preserves, and rich fruit cake; and when these were added to a maccaroni soup, and variously prepared dishes of the choicest buffalo meat, crowned with a cup of coffee, and enjoyed with prairie appetite, we felt, as we sat in barbaric luxury around our smoking supper on the grass, a greater sensation of enjoyment than the Roman epicure at his perfumed feast. But most of all it seemed to please our Indian friends, who, in the unrestrained enjoyment of the moment, demanded to know if our 'Medicine days came often.' No restraint was exercised at the hospitable board, and, to the great delight of his elders, one young Indian had made himself extremely drunk.

"*July* 7.—At our camp this morning, at 6 o'clock, the barometer was at 26.183, thermometer 69°, and clear, with a light wind from the South-West. The past night had been squally, with high winds, and occasionally a few drops of rain. Our cooking did not occupy much time, and we left camp early. Nothing of interest occurred during the morning. The same dreary barrenness except that a hard, marly clay had replaced the sandy soil. Buffaloes absolutely covered the plain on both sides the river, and whenever we ascended the hills, scattered herds gave life to the view in every direction. A small drove of wild horses made their appearance on the low river-bottoms, a mile or two to the left, and I sent off one of the Indians (who seemed very eager to catch one), on my led horse, a spirited and fleet animal. The savage manœuvered a little to get the wind of the horses, in which he succeeded, approaching within a hundred yards without being discovered. The chase for a few minutes was animated and interesting. My hunter easily overtook and passed the hindermost of the wild drove, which the Indian did not attempt to lasso; all his efforts being directed to the capture of the leader. But the strength of the horse, weakened by the insufficient nourishment of grass, failed in a race,

and all the drove escaped. We halted at noon on the bank of the river, the barometer at that time being 26.192, and the thermometer 103°, with a light air from the South, and clear weather.

"*July* 9.—This morning we caught the first faint glimpse of the Rocky Mountains, about sixty miles distant. Though a tolerably bright day, there was a slight mist, and we were just able to discern the snowy summit of 'Long's peak' (*les deux oreilles* of the Canadians), showing like a small cloud near the horizon. I found it easily distinguishable, there being a perceptible difference in its appearance from the white clouds that were floating about the sky."

INDIAN SPEECH.

"After reading this, I mentioned its purport to my companions, and seeing that all were fully possessed of its contents, one of the Indians rose up, and having first shaken hands with me, spoke as follows:

"'You have come among us at a bad time. Some of our people have been killed, and our young men, who are gone to the mountains, are eager to avenge the blood of their relations, which has been shed by the whites. Our young men are bad, and if they meet you they will believe that you are carrying goods and ammunition to their enemies, and will fire upon you. You have told us that this will make war. We know that our great father has many soldiers and big guns, and we are anxious to have our lives. We love the whites, and are desirous of peace. Thinking of all these things, we have determined to keep you here until our warriors return. We are glad to see you among us. Our father is rich, and we expected that you would have brought presents to us—horses, and guns, and blankets. But we are glad to see you. We look upon your coming as the light which goes before the sun; for you will tell our great father that you have seen us, and that we are naked and poor, and have nothing to eat, and he will send us all these things.' He was followed by others to the same effect.

REPLY.

"The observations of the savage appeared reasonable, but I was aware that they had in view only the present object of detaining me, and were unwilling I should go further into the country. In reply, I asked them, through the interpretation of Mr. Boudean, to select two or three of their number to accompany us until we should meet their people; they should spread their robes in my tent, and eat at my table, and on our return I would give them presents in reward of their services. They declined, saying that there were no young men left in the village, and they were too old to travel so many days on

horseback, and preferred now to smoke their pipes in the lodge, and let the warriors go on the war path. Besides, they had no power over the young men, and were afraid to interfere with them. In my turn, I addressed them: 'You say that you love the whites; why have you killed so many already this spring? You say that you love the whites, and are full of many expressions of friendship to us, but you are not willing to undergo the fatigue of a few days' ride to save our lives. We do not believe what you have said, and will not listen to you. Whatever a chief among us tells his soldiers to do is done. We are the soldiers of the great chief, your father. He has told us to come here and see this country, and all the Indians, his children. Why should we not go? Before we came, we heard that you had killed his people, and ceased to be his children; but we come among you peaceably, holding out our hands. Now, we find that the stories we heard are not lies, and that you are no longer his friends and children. We have thrown away our bodies, and will not turn back. When you told us that your young men would kill us, you did not know that our hearts were strong, and you did not see the rifles which my young men carry in their hands. We are few and you are many, and may kill us all; but there will be much crying in your villages, for many of your young men will stay behind, and forget to return with your warriors from the mountains. Do you think that our great chief will let his soldiers die and forget to cover their graves? Before the snows melt again, his warriors will sweep away your villages as the fire does the prairie in the autumn. See! I have pulled down my *white houses*, and my people are ready: when the sun is ten paces higher, we shall be on the march. If you have any thing to tell us, you will say it soon.' I broke up the conference, as I could do nothing with these people, and being resolved to proceed, nothing was to be gained by delay."

DEVIL'S GATE.

"Crossing the ridge of red sand-stone, and traversing the little prairie which lies to the southward of it, we made in the afternoon an excursion to a place which we have called the Hot Spring Gate. This place has much the appearance of a gate, by which the Platte passes through a ridge composed of a white and calcareous sand-stone. The length of the passage is about four hundred yards, with a smooth green prairie on either side. Through this place the stream flows with a quiet current, unbroken by any rapid, and is about seventy yards wide between the walls, which rise perpendicularly from the water. To that on the right bank, which is the lower, the barometer gave a hight of 360 feet."

MOUNTAIN SHEEP.

"We saw here numerous herds of mountain sheep, and frequently heard the volley of rattling stones which accompanied their rapid descent down the steep hills. This was the first place at which we had killed any of these animals; and, in consequence of this circumstance, and of the abundance of these sheep or goats (for they are called by each name), we gave to our encampment the name of Goat Island. Their flesh is much esteemed by the hunters, and has very much the flavor of the Alleghany Mountain sheep. I have frequently seen the horns of this animal three feet long, and seventeen inches in circumference at the base, weighing eleven pounds. But two or three of these were killed by our party at this place, and of these the horns were small. The use of these horns seemed to be to protect the animal's head in pitching down precipices to avoid pursuing wolves — their only safety being in places where they can not be followed. The bones are very strong and solid, the marrow occupying a very small portion of the bone in the leg, about the thickness of a rye straw. The hair is short, resembling the winter color of our common deer, which it nearly approaches in size and appearance. Except in the horns, it has no resemblance whatever to the goat."

SOUTH PASS.

"The afternoon was cloudy, with squalls of rain; but the weather became fine at sunset, when we again encamped on the Sweet Water, within a few miles of the *South Pass*. The country over which we have passed to-day consists principally of a compact, mica slate, which crops out on all the ridges, making the uplands very rocky and slaty."

MOUNTAIN VIEW.

"Early in the morning we resumed our journey, the weather still cloudy, with occasional rain. Our general course was west, as I had determined to cross the dividing ridge by a bridle path among the broken country, more immediately at the foot of the mountains, and return by the wagon road, two and a half miles to the south of the point where the trail crosses. About six miles from our encampment, brought us to the summit. The ascent had been so gradual that, with all the intimate knowledge possessed by Carson, who had made this country his home for seventeen years, we were obliged to watch very closely to find the place at which we had reached the culminating point. This was between two low hills, rising on either hand fifty or sixty feet. When I looked back at them from the foot of the imme-

diate slope on the western plain, their summits appeared to be about one hundred and twenty feet above. From the impression on my mind at this time, and subsequently on our return, I should compare the elevation which we surmounted immediately at the pass, to the ascent of Capitol Hill from the Avenue, at Washington. It is difficult for me to fix positively the breadth of this pass. From the broken ground where it commences, at the foot of the Wind River chain, the view to the south-east is over a champaign country, broken at the distance of nineteen miles by the Table Rock; which, with the other isolated hills in its vicinity, seems to stand on a comparative plain. This I judge to be its termination, the ridge recovering its character with the Table Rock. It will be seen that it in no manner resembles the places to which the term is commonly applied—nothing of the gorge-like character and winding ascents of the Alleghany passes in America; nothing of the great St. Bernard and Simplon passes in Europe. Approaching it from the mouth of the Sweet Water, a sandy plain, one hundred and twenty miles long, conducts by a gradual and regular ascent, to the summit, about seven thousand feet above the sea; and the traveler, without being reminded of any change by toilsome ascents, suddenly finds himself on the waters which flow to the Pacific Ocean. By the route we had traveled, the distance from Fort Laramie is three hundred and twenty miles, or nine hundred and fifty from the mouth of the Kansas."

THE NATIONAL FLAG.

"We managed to get our mules up to a little bench, about a hundred feet above the lakes, where there was a patch of good grass, and turned them loose to graze. During our rough ride to this place, they had exhibited a wonderful sure-footedness. Parts of the defile were filled with angular, sharp fragments of rock, three or four, and eight or ten feet cube; and among these they had worked their way, leaping from one narrow point to another, rarely making a false step, and giving us no occasion to dismount. Having divested ourselves of every unnecessary incumbrance, we commenced the ascent. This time like experienced travelers, we did not press ourselves, but climbed leisurely, sitting down so soon as we found breath beginning to fail. At intervals we reached places where a number of springs gushed from the rocks, and about 1800 feet above the lakes, came to the snow line. From this point our progress was uninterrupted climbing. Hitherto, I had worn a pair of thick moccasins, with soles of *par flèche*, but here I put on a light thin pair, which I had brought for the purpose, as now the use of our toes became necessary to a further advance.

I availed myself of a sort of cone of the mountain, which stood against the wall like a buttress, and which the wind and the solar radiation, joined to the steepness of the smooth rock, had kept almost entirely free from snow. Up this I made my way rapidly.

"Our cautious method of advancing in the outset, had spared my strength; and, with the exception of a slight disposition to headache, I felt no remains of yesterday's illness. In a few minutes we reached a point where the buttress was over-hanging, and there was no other way of surmounting the difficulty than by passing around one side of it, which was the face of a vertical precipice of several hundred feet. Putting hands and feet in the crevices between the blocks, I succeeded in getting over it, and when I reached the top, found my companions in a small valley below. Descending to them, we continued climbing, and in a short time reached the crest. I sprang upon the summit, and another step would have precipitated me into an immense snow-field, 500 feet below. To the edge of this field was a sheer icy precipice; and then, with a gradual fall, the field sloped off for about a mile, until it struck the foot of the lower ridge. I stood upon a narrow crest, about three feet in width, with an inclination of about 20° N., 51° E. As soon as I had gratified the first feeling of curiosity, I descended, and each man ascended in his turn, for I would only allow one at a time to mount the unstable and precarious slab, which it seemed a breath would hurl into the abyss below.

"We mounted the barometer in the snow of the summit, and fixing a ramrod in a crevice, unfurled the National Flag to wave in the breeze where never flag waved before. During our morning's ascent, we had met no sign of animal life, except the small sparrow-like bird already mentioned. A stillness the most profound, and a terrible solitude forced themselves constantly on the mind as the great features of the place. Here on the summit where the stillness was absolute, unbroken by any sound, and the solitude complete, we thought ourselves beyond the region of animated life; but while we were sitting on the rock, a solitary bee (the humble bee), came winging his flight from the eastern valley, and lit on the knee of one of the men."

JEREMIAH SMITH.

I CAN NOT pass by the subject of this sketch, with whom I have long been personally acquainted. Judge Smith was one of the early settlers of Randolph county. He received in early life a good common English education, which he improved after he entered upon the active duties of life. He was emphatically a self-made man, with a vigorous mind, a strong sound constitution, and untiring energy. He rose rapidly to a high stand at the bar, was placed upon the bench as president judge, of the Circuit Court, and served a full term, when he returned to the practice of his profession, in which he is actively and successfully engaged, in the vigor of manhood. Judge Smith, in person is large and corpulent, high broad forehead, full face, good features. As a speaker he makes no pretense to eloquence, but marches directly to the point in controversy, with all his might, throwing himself bodily into the argument. The Judge has many years been an active member of the Christian church, and is now one of the trustees of the University at Indianapolis, and also president of the Cincinnati, Union and Fort Wayne, and the Evansville, Indianapolis and Cleveland straight-line railroad companies. Still his indomitable energy and untiring perseverance seem to be equal to the labors he performs. Long may he live; such men do much for their country, and can hardly be spared when the sands of life have run out.

CALVIN FLETCHER.

I FEAR my notice of the subject of this sketch, as connected with light anecdotes, may do injustice to his character as a man of the first standing among us, which I should regret. The notice I have taken of him was only intended to introduce him to the reader, as a young lawyer, filled with humorous fun and innocent amusement. I take back nothing I have said, and remark further, that the same vein of humor that coursed through the young lawyer, will be present with him, in despite of his efforts to restrain it through life. Mr. Fletcher was one of the first settlers at Indianapolis, when there was few houses there, when the whole country around it was a wilderness. He was a remarkable man. He combined all the elements of an effective pioneer in a new country—an iron constitution, clear and vigorous common-sense mind, an energy that never slumbered, integrity never questioned, a high conception of morality and religion, social qualities of the first order, a devoted friend to the cause of education, a good lawyer, and a forcible speaker. It was not strange that he should have occupied a prominent position; whether at the bar, in the Senate of the State,

president of the Bank, in the Sabbath school, or the free common schools, in the church or in the extended field of agriculture, he had no compeer. It may be said truly, that Calvin Fletcher has done more to stamp society at Indianapolis, with the true principles of civilization and Christianity, than any other man living or dead. He is now enjoying fine health, only a little past the meridian of life. His sons, like their father, possess high qualities, and must like him be distinguished.

JOHN BEARD.

While I am sketching a few more of the pioneers of Indiana, I can not pass my friend, John Beard, of Montgomery. I knew him in early days, as well as his father before him. He was of the class of men in a new country called useful. Mr. Beard made no show nor parade. He was plain, practical, sensible, with a strong common-sense mind, and a clear judgment. His opinions had great weight wherever he was placed. He rose by his native powers, without the benefit of an early education, to the Senate of the State, where he stood for years among the very first. He held the office of Receiver under the Government for many years, and discharged its duties to the entire satisfaction of the Government. He still lives to enjoy the remainder of his well-spent life. I love to speak of these plain, honest pioneers of the West. Such men are truly the bone and sinew of all new countries.

JOHN HAGER.

I should do injustice to my feelings, were I to pass unnoticed my early, devoted friend, John Hager, of Hancock. I knew him long, I knew him well. As I was traveling one rainy day on horseback through the woods, between Indianapolis and Connersville, near where Greenfield now stands, I heard a loud voice before me, some half a mile off. My horse was wading through the mud and water, up to the saddle-skirts. I moved slowly on, until I met John Hager driving a team of four oxen, hauling a heavy load of merchandise, or store-goods, as he called it, from Cincinnati to Indianapolis, then in the woods. He had been fifteen days on the road, and it would take him three days more to get through. He stopped his oxen a few moments, but said he must move on, as they would be anxiously looking for him at Indianapolis, as they were nearly out of powder and lead when he

left, and they could get none until he got there, as his was the only wagon that could get through the mud between Cincinnati and Indianapolis, and it was just as much as *he* could do. He hallooed to the oxen, plied the lash of his long whip, and the team moved on at the rate of a mile an hour—the wheels up to the hubs in mud.

Such was John Hager and his teams, carrying the whole commerce between the Queen City and the Railroad City of the West, at that early day. But the end of my early friend was not yet: the roads through the woods were opened, competition soon rendered his business precarious; he sold his team, left the business, turned his attention to politics, his voice sounded from many a stump, the people triumphantly elected him successively Associate Judge and Clerk of the Circuit Court, and he died years ago, at a good old age, respected by all who knew him.

ANDREW WYLIE, L. L. D.

Among the eminent divines, connected with our highest literary institutions, stood Andrew Wylie, many years president of the State University at Bloomington. Whether we contemplate Dr. Wylie as an Episcopal minister or as president of the University, he occupies the same elevated position among his cotemporaries. The mind of Dr. Wylie was of the first order, trained and polished by a classical education. Nature had done her part, and education had reared her towering superstructure in his vigorous mind. Dr. Wylie was an intellectual giant, with few equals, and no superiors, within the sphere of his positions. I knew him well, and it affords me a most solemn gratification to pay this short tribute to his memory. He was remarkably fine-looking, above the common hight, portly and commanding, capacious chest, large head, hair silvered over when first I saw him, broad high forehead, wide mouth, full face, prominent features. His style was plain, his elocution fluent and vigorous, at times beautiful, eloquent, sublime. As president of the University, he had his trials, but he rose triumphantly over his difficulties. His good common-sense, his enlarged, cultivated mind, the purity of his Christian life and character disarmed his temporary opponents, and endeared him to those who knew him best. The sun of Dr. Wylie went down without a cloud at midday. He was taken from us in the the meridian of life, leaving many friends behind, among whom I desire to be numbered.

REV. PHINEAS D. GURLEY.

At the time the Rev. Henry Ward Beecher was pastor of the Second Presbyterian Church at Indianapolis, the Rev. Phineas D. Gurley, now of the city of Washington, was pastor of the First Presbyterian Church. I had the pleasure frequently of hearing these eminent divines. I have already sketched Mr. Beecher, and do not feel justified in passing Mr. Gurley without a brief notice. There was a great contrast between these distinguished divines, each was peculiar to himself. Mr. Gurley in person, was large, portly, and commanding, not only good-looking but handsome, black hair, dark eyes, large head, capacious brain. He was a man of a high order of talent; not brilliant, but sound and practical. As a preacher, he was always listened to with deep interest by his congregation. He announced his text in a solemn tone of voice; the object of his whole sermon seemed to be to produce serious feelings in the congre-

gation. I scarcely ever heard a man more highly gifted in that kind of preaching, that makes the congregation think and feel, than Mr. Gurley. He seemed fully impressed with the responsibility of his position as a gospel minister, and he labored his text to that end. I shall ever feel that the capital of the State needed just two such men as Mr. Gurley and Mr. Beecher; though differing so widely in person and style of preaching, each was calculated to do great good in his Church. Both left us for a wider field of usefulness, and now have large congregations in their respective Churches.

ELDER JOHN O'KANE.

The subject of this sketch was one of my early neighbors and friends in the Whitewater Valley. He was then, as now, an able minister in the Christian church, preaching by day, and by night, with great power, throughout the country. I knew Mr. O'Kane well. I have often heard him preach, and have thought that he had few superiors as a strong doctrinal sermonizer. He always preached from the Scriptures, never from himself. As a speaker, Mr. O'Kane was clear, plain, strong, emphatic; with a voice loud, full-toned and well trained, always good, at times eloquent. His person was tall and commanding, full six feet in hight, hair dark, capacious forehead, wide mouth, prominent features. He had worn his rather delicate body almost out, by his great efforts in the field of his labors some years ago, but the last time I saw him he was quite well again, and was laboring in connection with the North Western Christian University at Indianapolis, a most valuable literary institution.

EBENEZER SHARPE.

Among the first settlers of the capital was Ebenezer Sharpe, the father of Thomas H. Sharpe, and James M'Cord Sharpe now of the city. He was one of the purest men I ever knew; an elder in the Presbyterian church, a devoted friend to the Sabbath school, he threw the whole weight of his influence into the scale of education, morality, and religion. Mr. Sharpe for many years faithfully discharged the duties of Agent of Indianapolis, and retired with clear hands from large monetary transactions connected with the city; such men can always be referred to, by their friends, with pleasure. He died at a good old age, and was gathered like a ripe sheaf into the garner of his Father.

DR. ISAAC COE.

THE first time I attended court at Indianapolis I was introduced to the subject of this sketch. The capital was then in the woods. We walked together over the town plat through the brush as well as we could. The Dr. was sanguine that the town would some day contain five thousand inhabitants. I laughed at him. Cincinnati at that time only contained eight hundred. The Dr. was a colaborer with Mr. Sharpe, in the cause of education, morality, and religion; an elder in the Presbyterian church, and a leader of the Sabbath schools. The tall figure of Dr. Coe, with his snow-white head, will long be cherished and remembered by the citizens of Indianapolis; perhaps few men did so much as the Dr. to form society at Indianapolis, upon the true basis. He lived to see the capital contain a population of twenty thousand souls, to see twenty-five churches of the different denominations, sustaining full congregations, and to see twenty-five hundred Sabbath-school scholars marching to the grove on the birth-day of our Independence. At a good old age Dr. Coe left us, to reap his reward for an active and well-spent life.

JAMES BLAKE.

WHENEVER I take my walk through the streets of Indianapolis, I have the pleasure of seeing the manly form of James Blake, one of the early settlers at the capital. I became early acquainted with Mr. Blake. We were both from Pennsylvania. I had preceded him some years to the State, but he came early. Indiana has received into her bosom few such men as James Blake. With a strong common-sense mind, an energy that never tired, he took a strong hold of the work before him; believing in the doctrine that honest labor is honorable, he shunned no personal labor that was necessary to the success of his enterprise. While he threw his strength of body and mind, into the field of improvement of the city, he did not forget the moral and religious culture of the minds of the rising generation. He was a strong supporter of the Sabbath, and common schools, an elder in the Presbyterian church. His presence was every where that he could promote the interest of the city, and the welfare of its youth.

Of late years since Indianapolis has taken her position as a manufacturing and commercial city, Mr. Blake has efficiently discharged the duties of president of the Board of Trade, devoting his time, talents, influence, to the prosperity of the capital of the State; where I leave him, in fine health, with his locks as white as the driven snow.

JOHN BROUGH.

I CAN not pass by John Brough, the great railroad king, long a resident of Indiana, now of Cleveland, Ohio. Soon after the railroad mania took possession of the West, Mr. Brough became identified with the success of the Madison and Indianapolis Railroad, and while that road was without competition, he managed its affairs so as to keep its stocks above par, but as the competition of our other roads arose one after another in quick succession, the business was diminished; the stock of the company fell rapidly, and ultimately was of mere nominal value. Mr. Brough resigned the presidency of the company, became president of the Indianapolis and Bellefontaine Company, which was afterward united with the Bellefontaine and Indiana Road, giving a through line from Indianapolis to Crestline, Ohio, there to intersect the Cleveland and Pittsburg lines. Mr. Brough was elected to the presidency of the consolidated road, a position he now occupies. He is one of the most untiring, energetic men I ever knew; strong, common-sense views; thoroughly acquainted with the management of railroads in all their minutiæ, he is eminently qualified to fill his position. In person Mr. Brough is remarkable, once seen and you will never forget him; about five feet eight in hight, large rotund body, unusually large head, with high retreating forehead, inclined to baldness, carnation-colored face, large fleshy double-chin hanging down his neck. Mr. Brough is in the middle of life, in fine health. I saw him a few days since looking at one of his engines.

WILLARD CARPENTER.

FROM the first settlements in Indiana up to the present time she has had no citizen within her boundaries of greater energy of character than Willard Carpenter, of Evansville. He is under the common hight, well built, large expanded chest, broad shoulders, large round head, high square forehead, thin sandy hair, light eyes and brows, good features, short neck, pleasant countenance. Mr. Carpenter was the leading man in procuring the grant of land from the United States to extend the Wabash and Erie canal to Evansville, was the heaviest stockholder in the Evansville and Crawfordsville Railroad Company; and at an after period the great moving spirit and heaviest stockholder in the Evansville, Indianapolis and Cleveland straight-line railroad company, in which he became the principle contractor, and visited England, Ireland, Wales, France and Belgium, in the year 1857, on the business of the contractors; but owing to the depressed state of money matters

there at the time, failed to make his negotiations, and returned home without any abatement of his energy or perseverance. The great change of the times, the depression of monetary affairs, the depreciation of railroad securities and stocks, the almost impossibility of building new roads, may even defeat the persevering efforts of Willard Carpenter, to build the great work in which he is engaged, and like thousands of other men, he may be ultimately embarrassed, in consequence of the enterprising character of his nature. But Willard Carpenter will long be remembered, honored and respected, as one of the enterprising citizens of our State. I saw him yesterday in fine health, in the meridian of life.

WILLIAM ALLEN.

THE subject of this sketch was the junior Senator from the State of Ohio. Thomas Morris and Benjamin Tappan were at different times his colleagues. I was qualified at the same time with Mr. Allen in March, 1837, and being from adjoining States, though differing in politics, we became personally intimate. Mr. Allen soon attained a prominent standing in the Senate. In person, he was tall and commanding, features prominent, hair and eyes light, high retreating forehead. As a debater, his manner, voice, action, were peculiarly his own. His voice was loud, full toned, too loud I have sometimes thought for the Senate Chamber, but well adapted to the stump. His facetious colleague, Judge Tappan, on one occasion was asked by a gentleman from Ohio, whether a certain individual had gone home. "Yes," said the Judge, "he started this morning; but if you want to see him, get Mr. Allen to put his head out of the window, and call him back, he must be on this side of the mountains yet." Mr. Allen took part in most of the heavy debates in the Senate, and sustained himself with signal ability. He had a strong leaning to Mr. Calhoun, and seldom differed from that distinguished Senator, especially on the tariff was he strongly anti-protective. I had the pleasure of seeing Mr Allen last October at Indianapolis in fine health, though his head was silvered over with age.

JOSEPH BONAPARTE.

LATE in the month of November, 1828, as I stepped aboard a steamer at Chestnut street wharf, Philadelphia, on my way to Congress, I noticed a group of well-dressed ladies and gentlemen walking aft to the ladies' cabin. Joel B. Sutherland, the representative of the Philadelphia District, remarked that one of them was ex-King Joseph Bonaparte, and proposed to introduce me. Of course I accepted the offer. He gave me his hand with a slight bow and pleasant smile. Turning to his son-in-law, Charles Louis Bonaparte, son of Louis, ex-King of Holland, Achille Murat, son of Joachim Murat, ex-King of Naples, who stood by him, he made me acquainted with them. It is said that Joseph Bonaparte, although a few inches taller than Napoleon, looked more like him than any other of his brothers. His manners were full of ease, elegance and grace. He was very pleasant and quite disposed to free conversation, about five feet nine or ten inches high, heavy set, dark complexion, black eyes and hair, heavy brows, large round head, square high forehead. Charles Louis, his son-in-law, was rather taller, but not so thick; black hair and eyes, dark complexion. Achille Murat strongly resembled Charles Louis, about the same size and complexion. I could distinguish them at once, both by their appearance and accent, to be foreigners.

We passed on together to New Castle, crossed the State of Delaware in stages to Frenchtown, and there took the steamer to Baltimore, where we parted. I had a most interesting conversation with all these distinguished men, much of which I distinctly recollect, and may briefly state before this sketch closes.

I looked upon the group at the time with deep interest. I had just finished reading the French Revolution, and the incidents of the Bonaparte dynasty, and now the elder brother of Napoleon, with two of his nephews, stood before me. I looked upon Joseph Bonaparte not merely as the ex-King of Naples and of Spain, but as the brother of the Great Napoleon, whom I had seen in the history of his times, rise from a poor boy, at the military school at Brienne, to the greatest monarch on earth, shaking the whole civilized world, causing the kings of the old world to tremble on their thrones, and dispensing crowns to his family at pleasure. I had seen him at Notre Dame, at the Bridge of Lodi, the Battle of Lonato, the Pyramids, Austerlitz, Marengo, Jena, Montmail, Aboukir, Arcola, Eckmuhl; I had seen his legions crossing the frozen Alps, and pouring themselves upon the plains of Italy; I had seen the Bourbon dynasty at his feet at one moment, at the next he was a captive on the sea-girt Isle of Elba. With a few followers, he escapes, lands in France, and marches upon

Paris. The army of the Bourbons rush to his standard, bearing aloft the tri-colors and the eagle. The Bourbons fly from the Tuilleries. He takes the fallen reins, ascends the throne of empire, and again holds the destinies of France. I had read a thrilling account of his fatal march upon Moscow; had seen in imagination that great city in flames, and the French army retreating. The battle of Waterloo, where he met single-handed the combined army of the allies, with Wellington and Blucher in command, where his eagles trailed in the dust, was before me, and his sun began to decline. I had followed him to St. Helena, the royal captive of the Allies; had seen his sun set at Longwood in the tomb, not as Lord Byron says, "without one parting ray," but leaving ten thousand brilliant rays behind.

While I looked upon Joseph Bonaparte, as the elder brother of Napoleon, and the strongest living image of his person, I did not forget that I had before me a man who had risen like his brother, from an humble origin, to wear the crown of Naples, and of Spain. As my mind glanced over the incidents of his eventful life, I thought I could see his character stamped upon his countenance. I had seen him in the council of Five Hundred, as envoy to Rome, a member of the Council of State, a commissioner to treat with the United States, to treat with Great Britain at Amiens; at the head of his regiment at the camp of Boulogne, refusing the crown of Lombardy; at the head of forty thousand French troops at the surrender of Capua; triumphantly entering Naples, and becoming King; in Sorrentum at the house of Tasso. He leaves Naples, enters Madrid and becomes King of Spain. He defeated the Spanish forces at the foot of the Sierra Morena; at the battle of Salamanca at the head of 100,000 men; at Vittoria attacked by the combined armies under the Duke of Wellington; he returns to Paris; surrenders the crown of Spain. He joins Napoleon after his return from Elba. As a Prince of France he takes his seat in the House of Peers. He embarks from Bordeaux in an American vessel and lands in New York; fixes his residence at Bordentown, on the Delaware river, between Philadelphia and Trenton, with a large attendance of servants, who were warmly attached to his person. I had seen his mansion in the midst of the forest of shade trees that surrounded it. It was consumed by fire in the year 1820, but was afterward rebuilt in a much plainer and less costly style. He was tendered the crown of Mexico, but rejected it. He returned to France, and died in Florence in 1844. Such was Joseph Bonaparte with whom I was conversing, and such the associations that filled my mind.

We crossed the State of Delaware from New Castle to Frenchtown

in separate coaches, but joined again. In conversation, as the steamer was passing down Elk River to the Chesapeake Bay, he spoke in high terms of our Washington, and eulogized our Constitution as a work of consummate wisdom. I asked him if he thought the Bourbon dynasty could long hold the reins of power in France. He said, "No, they are unpopular with the masses; they were put there by the foreign powers, and not by the French people, and whenever the external pressure is removed, they must be driven from power. The Bonaparte dynasty must come into power again in some member of the family—most probably the son of Napoleon." I spoke of the weakness of the monarchical governments of Europe, liable to be overthrown by revolution in a day. He said "they were the only governments suited to the people of Europe; the only kind of governments that they would long submit to. France tried a republican government, but it proved a signal failure. Rome once enjoyed at least the shadow of the idea, but never the substance. Your government as yet works well. You are the only people on earth that have virtue and intelligence enough to maintain a republican form of government. But have you been fully tried? Your Revolutionary struggle held you together in a common cause. Your Washington was not only a patriot, but his love of the principles of your Government was such that he voluntarily laid down the power that he could have retained, and seated himself permanently on the throne of America." I replied. "I agree with you that it requires a high degree of virtue, intelligence, and love of country in the masses, to sustain and carry on our Government, and it may be true, that the people of France, like those of Rome, were not prepared for a representative government like ours, but I differ entirely from your remarks in relation to the power our Washington could have exercised, had he felt so disposed. I am unwilling to believe that any one man, at the period of our Revolution, could have so far smothered the spirit of liberty, that caused the Revolution, as to place on his head a crown. The idea does injustice to the people of the United States." He spoke enthusiastically of the French empire while Napoleon reigned. He said it was the strongest government the world ever saw, and the most beneficial to the people. I replied that "I could not agree with him; that it was a child of revolution and blood, and was only sustained by arms; that our Government sprang from the people, and was upheld by their will, as expressed at the ballot-box." I can recollect but a few questions touched in our conversation, that lasted for hours, in which Charles Louis, and Achille Murat took part occasionally. The boat struck the wharf at Baltimore, we shook hands and parted.

CLOSE OF THE WHIG CAUCUS.

It is known that each of the parties in Congress has, since the organization of the Government, held night meetings, at which the members of the party alone attend. At these meetings the policy of the party, and the measures to be adopted in open session are fully discussed, with closed doors. When a result is come to, each member stands committed to the measure in open session—hence the united vote of the party for, and against any given proposition. At the called session, in 1841, the Whig party became the dominant party, and, as such, took the initiative, in both branches of Congress, of all important measures. President Harrison had deceased, and John Tyler had been Constitutionally elevated to the executive chair; strong hopes were entertained by the leaders of the Whigs, in Congress, that Mr. Tyler would unite with them in carrying into effect the measures upon which the party had come into power. How they were disappointed I have already stated in my sketch of John Tyler. Following in the custom of the party, the Whig Senators met in the room of the Vice-President, one evening early in the extra session, and organized by the choice of the Hon. Nathan F. Dixon, of Rhode Island, chairman. The meeting was full, every Whig Senator there. Mr. Dixon took the chair; he was a venerable-looking man, of the old school of gentlemen; head as white as a snow-bank, long white cue hanging down to his waist, high forehead, large nose, wide mouth, dark grey eyes covered by glasses, black breeches, white silk stockings, white vest, ruffled shirt, black coat. Mr. Dixon, as a presiding officer, at once adopted the idea, that each Senator was bound to keep himself in order, and if he did not, the dignity of the chair would not permit him to interfere. The debates, therefore, at times assumed a personal character not very becoming in brethren of the same political party. Some of the finest speeches I have ever heard from Mr. Clay, Mr. Rives, Mr. Southard, Mr. Crittenden, Mr. Davis, Mr. Choate, Mr. Preston, Mr. Simmons, and many other Senators, I have heard in the Whig caucus. Time rolled on, meeting after meeting was held, nightly; measure after measure, vote after vote resolved upon, and carried out in open session. At length the night had come for the close of the caucus. I distinctly recollect that night; it was dark and rainy. The Whig Senators were there. Mr. Dixon took the chair early. Every thing around us looked like the weather and the night, dark and gloomy. Our hopes had been blasted; President Tyler had deceived us; our triumphant victory had been turned into ashes in our mouths; we were about to part, with no cheering

prospects. No new measure was to be introduced; we had met to take a parting leave of each other. All was silent, when the tall and majestic form of Henry Clay was seen rising in the west end of the room; all eyes were upon him; he wore a bewitching smile upon his countenance. He addressed the Chair in a voice that indicated at once that he was not about delivering a dolorous address, adding to our gloomy feelings. With his peculiar look and tone of voice, he remarked: "Mr. Chairman, this is a dark night. There is no moon, and the little stars are slumbering in their beds, behind the dark canopy that is spread over the heavens. This is not the first time that the heavenly lights have been obscured, and the world kept in temporary darkness. Is this emblematic of our party? It may be so; but not of our principles. We, Senators, will soon pass away, but our principles will live while our glorious Union shall exist. Let our hearts be cheerful. Let our minds look through the temporary clouds that overspread the heavens, and see the sun there, as in mid-day, shining upon our principles, fixed above like planets in the firmament. They may be obscured for a time by the cry of the demagogue, by the political treason of those we have cherished in our bosoms—but they must and will prevail in the end. The American people will always be divided between political parties; and leaders may direct the masses, for a time, to measures opposed to their true interest, but in the end the truth of experience will prevail, and justice will be done to the memory of those who have stood firm, as the friends of the people. My friends, we have done our duty. We have maintained the true policy of the Government. Our policy has been arrested by an Executive that we brought into power. Arnold escaped to England, after his treason was detected. Andre was executed. Tyler is on his way to the Democratic camp. They may give him lodgings in some out-house, but they never will trust him. He will stand here, like Arnold in England, a monument of his own perfidy and disgrace.

"We are soon to separate. We go to our constituents to tell them the story of their wrongs. Let us part with light and not desponding hearts. The sun sets at night under the western horizon, he is obscured by the revolution of the earth, but in the morn he rises in all his majesty in the east; so with our principles. I repeat, they may seem to have set, but like the sun they will rise again, warm, and fructify the United States. We must have for America, an American policy—our people are entitled to the protection and benefits of the Government under which they live. The policy of Europe is not suited to our people; the doctrines of free-trade preached, but never practiced, by other nations, may do for demagogues to talk about, but

their effects are to break down our manufactures, paralyze the industry of the people, and drain our country of the precious metals. The currency question is of the highest importance to every industrial interest; without a sound currency there can be no safe, just reward to the industry of the country. I was at one time opposed to the Bank of the United States, it was afterward chartered, I saw and experienced the benefits of its operations,—such an institution alone, can give a safe circulating paper medium, of uniform value in every part of the nation. If we use a paper currency at all, that is the kind of paper that we want, the local banks may give a local paper circulation, but they can not furnish a currency of extended uniformity of value. My conviction is confirmed by long observation and experience, that our principles, are right for the best interest for the American people and should prevail.

"Mr. Chairman, before parting, I wish to say a word gratulatory to yourself, as to the presiding officer of the Whig caucus. You took the chair with evident distrust of your ability to discharge its high and important duties. Night after night we have looked upon your good-natured, gentlemanly countenance; we have seen with high gratification, the very able and impartial manner in which you have discharged your duty, and especially the manner in which you have, by a single look, kept order at our meetings; the most excited, the most boisterous, has been quieted at once, and brought into lamb-like docility. Your remarkable qualifications for the chair, the astonishing manner in which you have exercised them, has been a theme of universal commendation by every member of the caucus, and could you have been seen while presiding, by the whole civilized world, Europe, Asia, Africa and Oceanica would have raised a united voice in your praise. Gentlemen, one and all, permit me to bid you an affectionate farewell!" and took his seat amid great applause.

Mr. Dixon at once responded, with inimitable humor: "Gentlemen, I have heard with infinite delight the remarks of the Senator from Kentucky, and more especially those he has been pleased to address directly to myself, so just and so true. I have been fully aware for some time, that I never had but one equal as a presiding officer, and he was the Senator from Kentucky himself, when he presided over the House of Representatives; others might make the Senator an exception, but to be entirely candid, I can not; I believe I am greatly his superior, especially in keeping order. You will all bear me witness, with what promptness, judgment, and energy, I have at all times interfered to keep order among the most disorderly body that was ever assembled. The Senator from Kentucky at one time

during his address, looked as if he was not in full earnest; but when you are all as well acquainted with the Senator as I am, you will give him full credit for sincerity, for any remarks he may make before ten o'clock at night, after that there may be some doubts." He closed amid bursts of applause from all parts of the room. Other Senators followed with eloquent remarks. At twelve o'clock the caucus was adjourned sine die; we shook a parting hand and separated for our boarding-houses. The next morning found us on our way to our homes, in the different sections of the United States.

THE ONE HOUR RULE.

I SEE the Hon. Thomas H. Benton in his "Thirty Years," speaks in strong terms of condemnation of the hour rule, limiting the time allowed each speaker to one hour, in the House of Representatives. Happening to be in the House, while that measure was under debate, and again under the operation of the rule after it was adopted, I saw and noticed its operation; and candor compels me to say, that I differ widely from Col. Benton on the propriety of the limitation. I consider it an enlargement of the area of debate, while it may be a limitation as to the particular member entitled to the floor. The House was composed of some 220 members, each anxious for the floor, ready and charged with speeches for home consumption; not more than one-half of which could be accommodated in the course of an ordinary session.

The rule was said to be an abridgment of the right of debate, because it confined the speaker to one hour. Of course it gave the balance of the time he might have held out to others desiring the floor; and as none of them spoke for the House, the one hour speech delivered, was quite sufficient to hang all that he desire to print, and send home upon, to enlighten his constituents. While the debate upon the one-hour rule was going on, a little speaking Member was addressing the House, in most bitter denunciations of the rule. "I say upon my personal responsibility, that it is worse than the Gag Law of old John Adams; it is a stop law, a perfect injunction, and for one in the name of my outraged constituency, I enter my solemn protest against any abridgment of my speeches," and down he sat evidently well satisfied with himself. A few days after the passage of the rule, the same member got the floor, and had been speaking when I entered I learned, about fifteen minutes. As I caught his voice, "I say, Mr. Speaker," looking at the clock, "as I was saying, Mr. Speaker," another look at the clock; "as I said when I first rose, I opposed the Gag Law with all my might, as an outrage on my constituents in my

person, and I never will submit to it." Looks at the clock again—"Only half an hour yet! Mr. Speaker, I am of opinion the clock has stopped, if I am mistaken in that, I yield the balance of my hour to the next speaker, and take my seat." Half the house jumped to their feet, and roared out "Mr. Speaker," "Mr. Speaker." One only, of course, got the floor, while forty others were anxiously waiting for his hour to expire.

The freedom of debate abridged! Far from it; the area of debate is much enlarged. Hundreds of members will now be able to give their views under the one-hour rule, that could never open their mouths but for the rule, while the one hour gives all the time absolutely necessary, to those who speak to the question. Mr. Calhoun seldom occupied longer than an hour in his ablest speeches.

THE DUKE DE JOINVILLE

One evening as I was passing down the avenue, at Washington City, I noticed a horseman coming from the west end at full speed. I soon saw that the horse was running away with his rider, as he came nearly opposite the Indian Queen hotel. The rider fell near the pavement, turning a complete somerset, a short distance from where I was standing. I ran to the fallen horseman, when a foreigner raised him up, and inquired, "Are you hurt, Prince?" "Not much." I inquired who it was. "It is the Prince de Joinville of France, the Admiral of the Navy." He stood before me, a royal scion of the House of Bourbon, a youth above the medium hight, slim, black hair, eyes and moustache. He walked away, limping; and I learned afterward, that he had returned to France, before he entirely recovered from his fall. He could command the French navy, but not an American pony.

DICKENS—BOZ

The Senate had just met one morning, or rather noon, I was in my seat next to Mr. Buchanan, when we noticed the Senators on the opposite side of the chamber coming round to our side, and one after another being introduced to a small, full-faced, light-haired, blue-eyed man, with a laughing countenance, seated on the side sofa. Mr. Buchanan.—"Mr. Smith, how do you like the looks of Mr. Dickens?" "What Mr. Dickens?" "Boz." "Is that Boz?" "Yes, the identical Boz." "Are you going to be introduced to him, Mr. Buchanan?" "I am in no hurry about it. I never run after strangers." I was afterward introduced to him by Mr. Merrick, of

Maryland. I confess I did not see in him the greatest living writer of fiction of the age, and yet such was his position at the time. I conversed a few minutes with him, he seemed to have social qualities of a high order. Perhaps I have read his works with more interest, since I have seen and conversed with him.

GRAVES AND CILLEY.

The day was cold and blustering. I left my boarding-house about ten o'clock in the morning, and went up to the Capitol. Neither House was in session, I crossed the rotunda, to the hall of the House of Representatives, where I saw two groups of members in seeming earnest conversation. I soon learned from one of them that William J. Graves, of Kentucky, and Jonathan Cilley, of New Hampshire, had left the city with their seconds to fight a duel; that Mr. Crittenden had gone with them; that Henry A. Wise, of Virginia, was the second of Graves, and George W. Jones, of Iowa, the second of Cilley; that Graves would fight with a rifle of Francis P. Blair, carrying about eighty to the pound, and Cilley with a rifle of Dr. Duncan, of Cincinnati, carrying about one hundred and fifty to the pound; that Cilley was the best shot, but the difference in the weight of the balls, at the distance of a hundred yards, in such a cold, windy day, would place them upon terms of equality. I learned further from those who seemed to know, that the quarrel or difficulty out of which the duel had grown, was after this wise: Mr. Cilley, a member of the House, in debate, had reflected upon the character of James Watson Webb, of New York. Webb demanded a retraction. Cilley refused to have any thing to say to him. Webb applied to Mr. Graves as his friend, to carry a challenge to Cilley. It was said that Mr. Graves consented without much reflection; he not having the remotest idea that the challenge would be refused by Mr. Cilley, who was known to be a man of courage, and recognizing the obligation of the Code of Honor. But in this he was mistaken; on presenting the challenge, Mr. Cilley informed Mr. Graves that he chose to have nothing to do with Jas. Watson Webb. This placed Mr. Graves, under the Code of Honor, as the friend of Mr. Webb, in a critical position; he was compelled to demand of Mr. Cilley the grounds of his refusal. Was it because Mr. Cilley did not recognize Mr. Webb as a gentleman? if so, it became the duty of Mr. Graves, under the Code, to stand in the place of Mr. Webb and challenge Mr. Cilley. Every effort was made to induce Mr. Cilley to relieve Mr. Graves from his position, by placing his refusal to accept the challenge of Mr. Webb, on a ground that

would enable the friends of Mr. Graves to say that he could get out of the controversy with honor. Mr. Cilley refused to say more, than that he did not choose to be drawn into any controversy with Mr. Webb. This was decided by the friends of Mr. Graves to be insufficient to relieve him, and he immediately challenged Mr. Cilley, selecting Henry A. Wise for his second. Mr. Cilley accepted the challenge, and chose George W. Jones, of Iowa, as his second. The rifles were obtained as I have stated, and such was the secrecy with which the matter was carried on, that neither Mr. Webb, nor the police of Washington, could find their whereabouts until the duel was fought, and Mr. Cilley was killed. At the time I went over to the House, the parties were in the field, their friends and partisans greatly excited. Mr. Graves was a Whig, and Mr. Cilley a Democrat. The first report that reached us was, that Mr. Graves fell at the first fire. This was soon contradicted by a rumor that neither was touched, at the first and second fires, and the third was about to take place; a moment afterward a man rushed into the hall and cried with a loud voice, "Cilley is dead; he fell at the third fire." Such an exhibition of feeling I never witnessed as upon this announcement. Some thirty minutes elapsed, and I saw from the window of my room, on the west of the Capitol, the wagon containing the body of Mr. Cilley, slowly moving down the avenue to Third-street, where it turned up to his late boarding-house. Such was the end of Jonathan Cilley, as honorable a man as ever lived. Mr. Graves lived a few years longer. He was at my house, in Indianapolis, some years after, but it was too evident from the change in his appearance, that life with him had become a burden. I am opposed to the whole dueling Code, both in theory and practice. I thought at the time, that Mr. Cilley fell a victim to a false principle of honor; that the punctilio of the Code requiring Mr. Graves to give the challenge, had been more than satisfied on both sides by the first fire, and no other fire should ever have been permitted by those having control of the lives of these brave men, who were driven to the field without any personal difficulty whatever between them.

JOHN J. CRITTENDEN.

One of the noblest sons of Kentucky, was the subject of this sketch. I have no purpose of attempting even a brief eulogy upon his life and character, much less to analyze his public acts. I speak of him as I saw him in the Senate of the United States. We were six years together in open and private sessions, and I am free to say, a more open, frank, honorable gentleman I never met. He was a true representative of the generosity, hospitality, urbanity, talents, and moral and personal courage of his State. To say that Mr. Crittenden possessed a mind of the highest order—to say that he possessed off-hand debating powers equal to any member of the Senate, would only express the opinion of all who ever served with him. My opportunities of judging and appreciating him, were such as to entitle me to form an opinion of my own of that great man. It has been said, that no Senator can get credit for more than his talents enable him to in that body, nor will he fall below his proper position, but like water, he will find his level. This may be true; but if the level of Mr. Crittenden, in public opinion, has been below any other Senator, he forms an exception to the rule. Mr. Crittenden was about a medium hight, very large head, full capacious brain, dark hair, falling carelessly over his forehead, dark intelligent eye, prominent mouth, projecting teeth. As a speaker, he was clear, strong, forcible, impulsive, with a voice of high-toned sarcasm, that made him a dreaded competitor in personal contests. On one occasion he came in collision with Mr. Buchanan, in quite an exciting debate. I remarked to Mr. Buchanan, pleasantly, that it was well for him that it was not Mr. Clay that he had to deal with. "You are mistaken; I would rather meet Mr. Clay than Mr. Crittenden."

The high-toned eloquence of Mr. Crittenden seemed to flow from his lips without an effort. He was always prepared, always eloquent, always prompt and ready. I have looked over the many able speeches of Mr. Crittenden, for the purpose of making a selection for the eye of the reader, of his style in debate, and present a short one from his remarks on the Revolutionary Claim Bill, as showing the character and qualities of his heart. Mr. Crittenden is at this day the only remaining Senator in the body with whom I served during an entire term; and after the 7th of December he will have but a single other co-Senator of 1841, in the person of James F. Simmons, the able Senator from Rhode Island. Mr. Crittenden bears upon his countenance a green old age; long may he live to enjoy it.

"Now, sir, is it a debt of mere gratitude? Is it a mere gratuity that we are paying? Is it a debt in respect to which our Constitutional rights can be invoked, as they have been by the gentleman from Michigan? The debt is extinguished, in one sense of the term. In the legal, technical sense of the term, the debt is extinguished. That I admit. But is there not a moral obligation on us to make good, to the uttermost, when we are able to do so, our obligations, founded on such meritorious considerations? That is the question. If a debt which I owe to you is barred by the statute of limitations, does it not extinguish the legal obligation? But am I under no moral obligations growing out of the matter? Is it a mere matter of gratitude if afterward, when I become able to do so, I feel under obligations to acquit myself of my debt, and pay you that debt so barred, and which bar, in a time of distress, I was obliged to shelter myself under? What was the condition of the Government when it made this proposition to the officers? They come out of the war victorious and naked. They come out of the war triumphant and penniless. The Government was in no condition to execute its obligations. Promises of half-pay they could not satisfy. They sought for themselves some little exemption and procrastination of this obligation by giving the promise of full-pay for five years, the payment of the principal to be postponed for ten years. By these hopes your needy, and naked, and hungry officers, as many of them were, were tempted to accept the terms. They have received the commutation. If they give credit for that on account, when you become able and prosperous, where is there any restraint in the Constitution to prevent your satisfying your sense of moral obligation by paying the full balance? Is it no debt because it is not recoverable by law? No national debt is recoverable by law. The creditor must depend on the sovereignty and on the gratitude of the Government. It is to measure its own obligation. There is no legal tribunal before which you could go and drag this nation to answer.

"Your courts of law have decided that, as to a debt barred, and which is no longer one of legal obligation, if the party promise to pay it, the previous debt, barred though it be, is an ample consideration for the subsequent promise. That was your condition. You were unable to pay, as you had promised, half-pay for life; you gave something like security for a smaller sum. Your honest creditor accepted it. You have paid that; and if you feel any moral obligation to do so, you are able to pay the balance. Will you do it? It is not a case of mere gratuity, certainly, nor a case of a mere debt of gratitude. That is not it; it is a money obligation, which, under your invitation,

your creditor departed from, and took for it that which was not an ample consideration, that which was not a fair equivalent. Half-pay for life was given up for full pay for five years. Now, when the Government is rich, and prosperous, and abundantly able to pay, the House of Representatives, at least, have said: 'We will settle with these men fairly; we will credit them for the sum they received as full pay for five years, and if there be any of the half-pay for life due to any of them, we will pay that.' I say this is not a gratuity. There was a moral obligation, a high obligation, to satisfy this debt of the Revolution. It was out of that we derived our very being as an independent and sovereign Government. We may as well look back on all the transactions of that day as somewhat more hallowed than the ordinary transactions of life, or even the ordinary transactions of Government. It was a sacred generation; a day sacred to liberty. Every thing belonging to it ought to be sanctified in our view, and to our feelings. This is the way in which I regard it.

"Standing here, and respecting the Constitution as much as any one, and no more willing than another to give away the public money, I feel that there is in this transaction a moral obligation upon which we are as fully authorized under the Constitution to pay, as we are to pay any debt of the most strictly legal and technical character. I am therefore for this bill. It embraces only those who received the commutation of five years' full pay. They are known on the record. There can be no ambiguity; there can be no room for imposition, by means of fraudulent testimony. It is only to the descendants of those who are on record, and are named and ascertained, that any payment can be made. I think, therefore, my friend from Michigan may dismiss some of the fears with which he regarded the necromancy and wickedness of those agents. They must find the man's name on record, and all that remains to be ascertained by testimony and inquiry is, who are his children and grand-children? They, and they alone, are entitled. I beg gentlemen to recollect, that it was under a resolution of 1783, that the commutation of five years' full pay was accepted; and it was ten years from that time before the principal became due. What was the condition of those certificates during that time? The country was under the government of the Confederation; a weak and feeble Government, impoverished, without power and without means. What was to be its destiny, the wisest men could not tell — the wisest could not foresee; and the humblest, and the most uninformed might well dread its termination — its falling to pieces from mere inability and want of cohesion, at any time. They accepted these certificates, payable ten years afterward. Of credit it had none.

What was the value of a certificate payable ten years afterward, upon such a security? Could prompt payment be calculated upon, at the time it fell due? Was it calculated upon? or did these certificates depreciate to a mere nominal value? They did so depreciate. What was the needy soldier to do? He was no longer in the army; his means consisted in his certificate; perhaps nothing, or little else. What was he to do with it; and what did he, in point of fact, do with it? Nine out of ten sold these certificates for a nominal price. They were afterward funded by the Government, to be sure, after the adoption of the present Constitution; but during that term of ten years they depreciated, day by day, and were sold for what the poor officer could get for them. Look now at the condition of the officer thus placed, and see if he is not worthy of some little consideration; and if we can not in our present prosperity, and in our present plenty (though legally we are discharged), in justice, and under the Constitution, make to him some indemnity for the loss sustained. I think so, and it is therefore that I shall vote for this bill."

SCHUYLER COLFAX.

Few men of his age have acquired so much reputation at home and abroad, within the last few years, as the subject of this sketch. I had known Mr. Colfax but partially, before he took his seat as a delegate in the Constitutional Convention of 1850. It was in that body that he developed the character of his mind, and showed that he possessed powers of no ordinary character; he deservedly stood among the most active and useful members of the Convention, after which he represented his district with signal ability in Congress. Mr. Colfax is a self-made man, who by the force of his native powers, and, in despite of the want of a classical education, has raised himself to the high position which he occupies among his cotemporaries. As a speaker he is plain, distinct, fluent, forcible. Mr. Colfax is under the medium hight, slim and spare, large forehead, light hair and eyes, pale face, good features.

Mr. Colfax was an ardent Whig, while that party existed, and after their dissolution, became a leader in the Republican party in support of John C. Fremont. He took a very active part in the debate upon the Kansas and Nebraska question. It is no purpose of these sketches to enter into contested party questions on either side, and when abstracts from speeches are given, it is not to favor one side or the other in a party light, but merely to place the subject of the sketch and his style, prominently before the reader. For that purpose I give an extract from the speech of Mr. Colfax, in the House of Representatives, June 21, 1856.

"My especial object to-day is to speak relative to the code of laws, now in my hand, which has emanated from a so-called Legislative Assembly in Kansas; and for the making of which your constituents, in common with mine, have paid their proportion—the whole having been paid for out of the Treasury of the United States. In speaking of the provisions embodied in this voluminous document, and of the manner in which these 'laws' have been enforced, I may feel it my duty to use plain and direct language; and I find my exemplar, as well as my justification for it, in the unlimited freedom of debate which, from the first day of the session, has been claimed and exercised by gentlemen of the other side of the House. And, recognizing that freedom of debate as we have, to the fullest extent, subject only to the rules of the House, we intend to exercise it on this side, when we see fit to do so, in the same ample manner. Hence, when we have been so frequently called 'fanatics,' and other epithets of denuncia-

tion, no one, on these seats, has even called gentlemen of the other side to order. When it has pleased them to denounce us as Black Republicans or colored Republicans, we have taken no exception to the attack, for we regard freedom of speech as one of the pillars of our free institutions. When, not content with this, they have charged us with implied perjury, in being hostile to the Constitution, and unfaithful to the Union, we have been content to leave the world to judge between us and our accusers—a scrutiny in which principles will have more weight than denunciation. In spite of all these attacks we have not been moved to any attempt to restrict the perfect and most unlimited freedom of speech on the part of our denouncers; for we acknowledged the truth of Jefferson's sentiment, that 'Error ceases to be dangerous when Reason is left free to combat it.'

"Mr. Chairman, I feel compelled, on this occasion, therefore, by truth, and by a conscientious conviction of what I know to be the feelings of my constituents—for whom I speak as much as I do for myself—to denounce, as I do this day, the 'code' of the so-called Legislature of Kansas as a code of tyranny and oppression, a code of outrage and wrong, which would disgrace the Legislature of any State of the Union, as it disgraces the Goths and Vandals, who, after invading and conquering the Territory, thus attempted to play the despot over its people, and to make the white citizens of Kansas greater slaves than the blacks of Missouri. No man can examine the decrees of Louis Napoleon, no matter how ignorant he may have been of the procession of events in France for the past six years, without having the conviction forced upon his mind that they emanated from a usurper and a despot. The very enactments embodied in these decrees bear testimony against him. The limitations on the right of the subject; the mockery of the pretended freedom of elections which he has vouchsafed to the people; the rigid censorship of the press; the shackles upon the freedom of speech; all combine to prove that they emanate from an autocrat, who, however men may differ as to the wisdom of his statesmanship, undoubtedly governs France with a strong arm and an iron rule. And so, sir, no unprejudiced man can rise from a candid perusal of this code without being thoroughly convinced that it never emanated from a Legislature voluntarily chosen by the people whom it professes to govern; but that it was dictated and enacted by usurpers and tyrants, whose leading object was to crush out some sentiment predominant among that people, but distasteful and offensive to these usurping legislators. I know this is a strong assertion; but, in the hour of your time which I shall occupy, I shall *prove* this assertion from the *intrinsic* evidence of the code itself.

"Before I proceed to make an analysis of these laws, which I hold were never legally enacted, were never fit to be made, nor fit to be obeyed by a free people, let me say a few words in regard to the manner in which they have been administered and enforced. We have heard of murder after murder in Kansas—murders of men for the singular crime of preferring freedom to slavery; but you have not heard of one single attempt by any court in that Territory to indict any one of those murderers. The bodies of Jones, of Dow, of Barber, and others, murdered in cold blood, are moldering away and joining the silent dust; while one of the murderers this very day holds a territorial office in Kansas, and another of them holds an office of influence and rank under the authority of the General Government; while neither the Territorial nor the General Government inquire into the crimes they have committed, or the justification for their brothers' blood that stains their hands.

"Now, if you will turn to the concluding portion of this 'code of laws,' you will find one hundred and forty pages of it, over one-sixth of the whole, devoted to corporations, shingled in profusion over the whole Territory, granting charters for railroads, insurance companies, toll-bridges, ferries, universities, mining companies, plank roads, and, in fact, all kind of charters that are of value to their recipients, and more, indeed, than will be needed there for many years. No less than four or five hundred persons (not counting one hundred territorial road commissioners), have been thus incorporated, and have been made the recipients of the bounty of that legislation of Kansas, making a great portion, if not all of them, interested advocates to sustain the legality of those laws now in dispute before the American people. I need scarcely add that the name of nearly every citizen of Kansas who has been conspicuous in the recent bloody scenes in that Territory on the side of slavery, can be found among the favored grantees; and all of them know that, if that Legislature is proved to be illegal and fraudulent, their grants become valueless.

"I do not hesitate to brand that charge of Judge Lecompt, under which Governor Robinson was indicted for treason, and is now under confinement and refused bail, as grossly, palpably unjust, and wholly unauthorized by the Constitution. To concede his argument, that to resist, or 'to form the purpose of resisting,' the territorial laws is treason against the United States because Congress authorized a Legislature to pass laws, leads you irresistibly to the additional position, that to resist the orders of the country boards created by that Legislature is also treason, for these boards are but one further remove from the fountain-head of power. And thus, sir, 'the extreme medicine of the

Constitution would become its daily bread,' and the man who even objected to the opening of a road through his premises, would be subject to the pains and penalties of treason. No, sir, that charge is only another link in the chain of tyranny, which the pro-slavery rulers of that Territory are encoiling around its people. And when the defenders of these proceedings ask us to trust to the impartiality of courts, I answer them by pointing to this charge, and also to the judicial decrees of the Territory, by authority of which numbers of faithful citizens of the United States have been indicted, imprisoned and harassed, by authority of which the town of Lawrence was sacked and bombarded, by authority of which printing-presses were destroyed, without legal notice to their owners, and costly buildings cannonaded and consumed without giving the slightest opportunity to their proprietors to be heard in opposition to these decrees; all part and parcel of the plot to drive out the friends of freedom from the Territory, so that slavery might take unresisted possession of its villages and plains.

"It might have been supposed that, one of those rights dear to all American freeman—the trial of an impartial jury—would have been left for the people of Kansas unimpaired. But when the invaders and conquerors of Kansas, in their border-ruffian Legislature, struck down all the rights of freemen, they did not even leave them this, with which they might possibly have had some chance of justice, even against the hostility of Presidents, the tyranny of Governors, and the hatred of judges. No jurors, sir, are drawn by lot in the Territory. But the first section of the act concerning jurors(see page 377) enacts that 'all courts, before whom jurors are required, may order the marshal, sheriff or other officer, to summon a sufficient number of jurors.'

"The whole matter is left to the discretion of these officers; and Marshal Donaldson or 'Sheriff Jones' pack juries with just such men as they prefer, and whom they know will be their willing instruments. For a free-State man to hope for justice from such a jury charged by such a judge as Lecompt, would be to ask that the miracle by which the three Israelites passed through the fiery furnace of their persecutors unscathed, should be daily re-enacted in the jurisprudence of Kansas. Nay, more, sir, to make assurance doubly sure, the same law in regard to jurors excludes all but pro-slavery men from the jury-box in all cases relating directly or indirectly to slavery.

"The President of the United States has declared, in his special message to Congress, in his proclamation, and in his orders to Governor Shannon and Col. Sumner, through his Secretary of State and Secretary of War, that this code of territorial laws is to be enforced by the full exercise of his power. He has, of course, read them, and

knows of their provisions. He *must* know that they trample even on the organic law, which his official signature breathed into life. He *must* know that they trample on the Constitution of the United States, which he and we have sworn to support. Reading them as he has, he could have chosen rather to support the law of Congress, and the national Constitution; but he preferred to declare publicly his intention of assisting, with all his power and authority, the enforcement of this code, which repudiates both.

"As I look, sir, to the smiling valleys and fertile plains of Kansas, and witness there the sorrowful scenes of civil war, in which, when forbearance at last ceased to be a virtue, the free-State men of the Territory felt it necessary, deserted as they were by their Government, to defend their lives, their families, their property, and their hearthstones, the language of one of the noblest statesmen of the age, uttered six years ago at the other end of this Capitol, rises before my mind. I allude to the great statesman of Kentucky, Henry Clay. And while the party which, while he lived, lit the torch of slander at every avenue of his private life, and libeled him before the American people by every epithet that renders man infamous, as a gambler, debauchee, traitor, and enemy of his country, are now engaged in shedding fictitious tears over his grave, and appealing to his old supporters to aid by their votes in shielding them from the indignation of an uprisen people, I ask them to read this language of his, which comes to us as from his tomb to-day. With the change of but a single geographical word in the place of 'Mexico,' how prophetically does it apply to the very scenes and issues of this year! And who can doubt with what party he would stand in the coming campaign, if he were restored to us from the damps of the grave, when they read the following, which fell from his lips in 1850, and with which, thanking the House for its attention, I conclude my remarks.

"'But if, unhappily, we should be involved in war, in civil war, between the two parties of this confederacy, in which the effort upon the one side should be to restrain the introduction of slavery into the new Territories, and upon the other side to force its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort not to propagate rights, but—I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to propagate wrongs in the Territories thus acquired from Mexico! It would be a war in which we should have no sympathies, no good wishes—in which all mankind would be against us; for, from the commencement of the Revolution we have constantly reproached our British ancestors for the introduction of slavery into the country.'"

ANDREW KENNEDY.

In the year 1824, there lived at Connersville a good-looking, good-natured, fat-faced journeyman blacksmith, by the name of Andrew Kennedy, just out of his apprenticeship, with a very ordinary English education, but possessing a strong, vigorous mind. He soon abandoned his anvil forever, and commenced the study of law, obtained license, and located permanently at Muncie. Time passed on, and Mr. Kennedy became a good lawyer, a prominent member of the State Senate, and finally a representative in Congress, where he sustained himself with high credit to himself as an able debater. After serving his term in Congress, Mr. Kennedy, in the bloom of his life, returned home, came to Indianapolis, there took the small-pox, and after lingering a short time, died, and was carried to the cemetery wrapped in the clothes of the bed in which he died, and interred at midnight by the driver of the hearse and the sexton of the cemetery, —no other persons being willing to risk the contagion—both of which caught the disease from his body, died the next week, and lie near his remains. Such was the melancholy end of young Kennedy. He was a strong Democrat, warmly opposed to the Whig party. I give an extract from one of his speeches in Congress, which will be read with interest by his many friends:

"Mr. Chairman:—The main proposition is, simply, in what shape can we best raise the necessary funds to supply the immediate demands of the Government? The proposition now before us is, to borrow; and my objection to it is, that it does not provide the means and mode for the payment of the interest by some permanent fund, which will save the paper from depreciation, or the necessity of its sale below par value. If you will provide and set apart a permanent fund for this purpose, you will have no need of the amendment now pending; which is to authorize the sale of stocks at what they will bring in the market, without reference to the amount of money received for them.

"Mr. Chairman, I have seen too much of the depression of State credit, and the causes that led to it, not to know that as long as you borrow money to pay the interest on money borrowed, the stocks will depreciate, be they State or national. What has ruined the credit of the States but the suicidal course of borrowing money without providing a fund for the payment of interest? And do gentlemen suppose that the national credit will not inevitably take the same road, while we pursue the same course? No, sir, although I dislike, as I most cordially do, the measures of the Whig party, yet, as men, I

like them too well to attempt to make them responsible for more than their just deserts. And Heaven knows that is enough; for the load of responsibility which they have, by their desperation, justly brought upon their shoulders, is sufficient to make a giant stagger. What, then, was the remote cause of our present difficulties, as connected with this single question of the ways and means? I answer, first, the high protective tariff of 1828, by which the Treasury was filled to overflowing,—and that too, at the expense of the sweat of the poor man's brow; drawn from him by a species of indirect taxation, the operation of which he could not see until he was overwhelmed in poverty and ruin. This inordinate revenue begot a spirit of extravagance in the Government, which, in turn, spread itself into every branch of business throughout the entire country, until, by this means, every thing had a factitious and unsubstantial value. This was an evil in itself, but it went on begetting others, until, in 1832, this artificial and factitious system began to press upon some sections of the country so hard that the muttering thunder of distress and discontent made itself heard and listened to even in the halls of our national legislature.

"Let us look for a few moments at the fruits of this victory. The extra session came—a session that will be remembered for the evil it wrought as long as one stone of this Capitol is found upon another. What did this session produce, called, as it was avowed, for the purposes of finance? Here you then were, gentlemen, with a clear, triumphant, and undisputed majority in both branches of the Legislature; called to relieve the financial embarrassments of the country. What did you effect? One would have supposed that the first and all-absorbing object would have been—a permanent and thorough revision of the tariff, such as would in future have placed the Government out of the reach of these despicable expedients of borrowing! borrowing! from month to month, and from year to year. One would have supposed that to supply the Treasury would have been the first object. Was this done? No. Strange to tell, the first act of a Congress called to fill an exhausted treasury, was to rob it of its last shilling! And, at that time, such was the horror of the Whig party at even the thought of disturbing the Compromise Act, that they would not even pass this, their favorite measure of distribution, without providing in the act itself, that if duties were raised on any one article above the amount contained in the Compromise Act, from thence forward the distribution should cease. Of this course of the majority, and their acts, I complain, and bitterly too—not because of any effect they will have upon me, other than as a citizen of this Union; but

because, by this act, you have humbled my pride as a citizen of one of the States. You have made me witness what I had fondly hoped my destiny had not doomed me to—to see the States of this confederacy meekly and tamely leaning, with a few honorable exceptions, upon the General Government for support! Sir, it is too humiliating to dwell upon. But the gentleman on my left (Mr. Howard, of Michigan), says the States needed the money. *Need the money!* Well, did not the General Government *need the money* too? and that from your own showing! And pray, what good have you done the States? Is it not perfectly notorious that from the day of the passage of the distribution bill, your State stocks commenced and continued a rapid decline in value until many of them are now scarcely worth the paper upon which they are printed? Nor need any man be surprised, for rest assured, there is but one step from a loss of self-respect, to base dishonor. And what man would trust the son who, instead of being engaged in honest industry to procure the means of paying his debts, was found fumbling in his father's breeches pocket, to rob him of his last 'levy;' and that, too, when the old man had scarcely money enough to buy himself a plug of tobacco! Away with these despicable shifts to sustain credit, State or national. No man with capital, who does not need a guardian, will ever trust you, while these are the principles you avow and practice."

THOMAS SMITH.

In the winter of the year 1818, one evening I went to a little school-house in Rising Sun, to a debating society. I met there a number of the young men of the place, among them the subject of this sketch, a young tanner in his apprenticeship; his face smooth, eye and hair dark, forehead high, face narrow, countenance smiling and pleasant, below the common hight, spare person. I heard him that night, and then said, "That young man will yet be known in the State." Time rolled on, Thomas Smith married a daughter of Judge John Watts, settled in Versailles, Ripley county. Was soon after a member of the Senate of the State, among the most able of the body. Soon after he was elected to Congress, and again re-elected, and served his constituents with decided ability in that body of distinguished men. His manner, as a debater, was plain, straightforward, emphatic, impressive. He was heard with attention, wherever he spoke. He was a strong Democrat, and a prominent leader of that party, until the Missouri Compromise line was effaced by the Nebraska and Kansas bill, when he took sides with the Republicans, and pre-

sided over their convention at Indianapolis. He maintained the integrity of the Compromise Acts, and placed himself firmly upon the principles of the non-extension of slavery, over territory that was ever free. Thomas Smith is still living in fine health, in Ripley county.

DANIEL MACE.

I TAKE pleasure in numbering among my early friends of Indiana, Daniel Mace, of the Wabash. Mr. Mace was for many years one of the prominent men from that region of country in our State Legislature, perhaps no member of his age held a higher position. He stood many years among the first of the Democratic party in Congress. As a speaker, he was plain, effective, practical, sometimes eloquent. He holds that slavery is sectional, confined to the States, whose constitutions tolerated it, and to the Territories wherein it subsisted, prior to the treaty of peace with Mexico, south of the parallel of 36° 40′, known as the Missouri Compromise line, and that freedom is national.

He therefore strongly resisted the repeal of the Missouri Compromise Act, by the Kansas and Nebraska bill, in Congress; and on his return from Congress, he took open ground on the Republican side of the Senatorial contest between James Buchanan and John C. Fremont. Mr. Mace is about the common size of men, broad face, high forehead, dark hair and eyes, well made. He is still in the summer of life, practicing his profession at Lafayette.

JOHN W. DAVIS.

THE House of Representatives of the State had met for the first time in the new capitol, the Speaker had been elected, announced that the first business was the election of chief Clerk, and directed the members to prepare their ballots. I noticed a large, fine-looking man near me, pencil in hand, ready to keep tally, as the ballots were counted by the tellers. The vote was soon received, and the counting commenced; the gentleman turned to the wall, and as the name of John W. Davis was announced, he placed a long pencil-mark on the wall. The count closed, and the tally stood, John W. Davis, 11; somebody else had received the rest of the one hundred votes cast. I saw his disappointment marked visibly in his face: he stood alone. I stepped up to him, with a smiling countenance, "You are yet to be a great man." "What do you mean?" "I mean that you got eleven votes for Clerk, precisely the number that I got at Corydon, for the same office." Mr. Davis laughed, and we soon became acquainted.

My prediction was afterward verified to the letter; he soon made his appearance in our State Legislature, was elected Speaker of the House over Harbin H. Moore; was soon after returned to Congress from his district, re-elected, chosen Speaker by the vote of his party, and was acknowledged to be one of the very best presiding officers of that body, since the Speakership of Henry Clay. He has served his country as Commissioner to China, and as Governor of Oregon; since he voluntarily left the councils of the nation. Last session he was a a member of our State Legislature. Few men in this, or any other State, have held so many prominent positions, or discharged their duties with greater ability. In person, Mr. Davis is large and commanding, complexion light, features prominent, forehead capacious, mouth wide, teeth projecting, hair and eyes light. The last time I saw him he looked like living many years.

WILLIAM S. ARCHER.

THE subject of this sketch, William S. Archer, now no more, was justly ranked among Virginia's talented sons. I became intimately acquainted with him during the twentieth Congress in the House of Representatives, where he formed a star of no small magnitude in the brilliant galaxy of Virginian statesmen in that body. Mr. Archer was the colleague of William C. Rives, and stood with that distinguished statesman, in the first ranks of intellect in the Senate. In person, Mr. Archer was tall and spare, full six feet high, head large, brain full and capacious, hair black, eyes dark, brows heavy, chest narrow, voice shrill and weak, delivery slow, distinct, cool, deliberate, emphatic, a finished scholar. He was, in every sense of the word, a courteous gentleman, and was always heard by the Senate with interest. He never spoke to or for the galleries, or for outsiders.

JOHN BELL.

AMONG the eminent men of the United States stands the subject of this sketch. It was my good fortune to meet him in the twentieth Congress with James K. Polk as his colleague. To say that John Bell ranked high among the distinguished men who composed that Congress, would be doing no more than justice to him. To say that he stood among the very first men in the body, would only satisfy my judgment. In person, he was tall and commanding, full six feet,

well made, straight as an arrow, large head, erect, high forehead, dark hair and eyes, full chest, wide mouth, prominent features. As a speaker, Mr. Bell may be classed with the first,—clear, strong, rapid, impassioned. His eloquence was neither of the cold Eastern, nor declamatory Southern character, but rather of the style of the West. Mr. Bell was one of the Cabinet that threw up his commission when Mr. Tyler left the Whig party. He has since distinguished himself as one of the Senators from Tennessee. The last time I saw him, his head was white, his countenance careworn, and his step faltering. He will soon follow his illustrious colleague.

KENNETH RAYNER.

One of the most prominent men of the South, for many years in Congress, was the subject of this sketch, Kenneth Rayner, of North Carolina. His mind was of a high order; as a debater, he had few equals. He was strong, forcible, pointed; always rising with the occasion, and equal to the occasion. I had the pleasure of a familiar personal acquaintance with him. He was a social gentleman in private circles. In person, Mr. Rayner was about the common hight, strong, thick-set, dark hair and eyes, large round head, full chest, common features. Like Senators Mangum and Graham, he was a firm Whig, the devoted friend of Henry Clay, and warmly attached to his policy. Upon the desertion of Mr. Tyler of the Whig party, Mr. Rayner was unanimously placed on the committee of five from the Whigs of the House, as the only member from the South, to act with the committee of three of the Senate, upon the resolutions of Mr. Mangum of his State, in relation to Mr. Tyler. The committee on the part of the Whigs of the Senate, was composed of Mr. Berrien, of Georgia; Mr. Tallmadge, of New York; and myself. On the part of the Whigs of the House, Mr. Everett, of Vermont; Mr. Mason, of Ohio; Mr. Kennedy, of Maryland; Mr. John C. Clark, of New York; and Mr. Rayner, of North Carolina. The resolutions under which the committee acted, were as follows:

"1. That it is expedient for the Whigs of the Senate and House of Representatives of the United States, to publish an address to the people of the United States, containing a succinct exposition of the prominent proceedings of the extra session of Congress, of the measures that have been adopted and those in which they have failed, and the causes of such failures, together with such other matters as may exhibit truly the condition of the Whig party and Whig prospects.

"2. That a committee of three on the part of the Senate, and five

on the part of the House, be appointed to prepare such address, and submit it to a meeting of the Whigs on Monday morning next, the 13th inst., at half past 8 o'clock." The committee unanimously reported a manifesto, dissolving all connection with John Tyler, and repudiating every responsibility on the part of the Whigs, for his administration. The report was concurred in, by the entire members of the Whig party, at the subsequent meeting, as I have stated in another sketch. The manifesto was attacked in the House with great bitterness by Mr. Wise, Mr. Cushing and Mr. Proffit, the special friends of Mr. Tyler.

ROBERT C. WINTHROP.

The late Speaker of the House of Representatives, Robert C. Winthrop, deservedly stood among the very first men in the House, and of his age, in the nation. A close personal acquaintance with him, during an entire session of Congress when we boarded together, placed him in my mind, upon high grounds; not only as a pleasant, social gentlemen; but as a man of a very high order of talents. His person was tall, his manners graceful and easy, his elocution fluent, his style vigorous and impressive. His eloquence was of the Everett, rather than of the Webster character, though he seemed to have studied both these great models of oratory. Mr. Winthrop maintained a high standing in his native Massachusetts for many years before he entered Congress, which he not only sustained in that body, but added greatly to his fame, when brought into competition with other distinguished men. He was what is called, an old-line Whig of the school of Mr. Clay and Mr. Webster. He was a devoted friend to both these distinguished statesmen, and upheld by his voice and vote, their highest pretensions.

JABEZ W. HUNTINGTON.

The state of Connecticut has not, at any time, had a more prominent representative in the Senate of the United States, than the subject of this sketch. Being a member of the Committee on Public Lands, at the time I was chairman, I had full opportunity to know and appreciate him. He was of the class of Senators known in the body as workers. With a strong, clear, vigorous, discriminating mind, a finished education, and untiring industry, he came into the debates fully prepared, and was always very formidable. As a speaker, he was clear, emphatic, distinct, plain, marching directly to the question without any flourish, circumlocution, or embellishment of the argument. He was listened to with interest by the Senate—the highest

compliment that can be paid to a speaker in that body. Judge Huntington was under the common hight, large head, high retreating forehead, Roman nose, wide mouth, projecting chin, dark brown hair, blue eyes, good chest, clear shrill voice. He was a sound Constitutional lawyer, and took part in most of the debates involving Constitutional, or legal questions. Judge Huntington deceased years since.

GEORGE EVANS.

The subject of this sketch, George Evans, of Maine, deservedly stood among the first in the Senate of the United States, during the term he served in that body. He had a ripe experience in the House of Representatives, before he took his seat in the Senate. Upon the ascendency of the Whig party to power, Mr. Clay was placed at the head of the Finance Committee. Mr. Evans became his successor, when Mr. Clay voluntarily retired from the arduous duties of the position. It was not till then that the great powers of Mr. Evans were manifested in the body. As chairman of the Committee on Finance, he came fully up to his two great predecessors, Silas Wright and Mr. Clay. He was always cool, calm, prepared. As a speaker he was strong, clear, and able; he made himself thoroughly acquainted with the subject he was discussing by weight and measure; there was no such thing as declamation about him, his business seemed to be with facts, and things; and yet he used his imagination at times to good purpose. Mr. Evans was a well-set man, rather below the common hight, large head, light brown hair, good features, smiling countenance. I have selected from his speech, in reply to Mr. McDuffie on the subject of a Southern Confederacy, some valuable extracts, of high importance at this day, when our glorious Union would seem almost to be in danger:

"The Senator foresees, not only the desolations of that section, but he warms and brightens in beholding the glorious visions of boundless felicity which awaits the Southern Confederacy. He seems to forget that all this is in *prospect*—yet to be realized. He speaks of '*the historical fidelity*' which he has observed in drawing the picture. Now, sir, considering that history relates only to the past, I must think that the Senator, in his ardent zeal, has somewhat overleaped 'the bounds of time,' if not of space. He has 'stated nothing *speculative*—but results only which must take place.' Really, sir, if all this be not speculation, it seems to me exceedingly like it. He has described, in very glowing language, the happiness, prosperity, and

wealth, which the Southern confederacy, of homogeneous interests, must experience if permitted to pursue its own policy under its own separate Government. The long-dreamed of Fortunate Islands are discovered at last. The favored regions of the South, smiling in eternal spring,

> 'Like those Hesperian gardens, famed of old,
> Fortunate fields and groves, and flowery meads,
> Thrice happy isles,'

are to be forever the abode of peace and happiness on earth. No obstacle lies in the way of the bright and glorious career which opens before them. The convulsions which shake other nations like an earthquake, shall never visit them. 'Grim-visaged war will smooth his wrinkled front,' and peace, eternal peace, hold her benignant reign, while human governments exist on earth. It is not a very agreeable office, I am aware, to disturb such happy visions, and to bring back these soaring thoughts to the dull realities of earth. But where does the honorable Senator find any warrant, in human history, for the confident anticipations in which he has indulged? In the example of other nations broken up and dismembered? In the annals of small States and confederacies? In the history of any nation that ever lived upon earth, with but one single interest—one pursuit, one object of national importance? No, sir: in none of these does he find any warrant for his expectations.

"But let us examine this matter a little more closely. The Southern confederacy is to revel in unbounded wealth. Its commerce is to be forever unmolested—always prosperous—no storms shall scatter it—the policy of other nations shall never reach it, but it shall glide safely, as 'on the smooth surface of a summer sea.' The South is to produce for export at least one hundred millions of cotton, rice, and tobacco, and to receive in return one hundred and twenty millions of foreign manufactures—the twenty millions being the profit on the export. This large amount it is to have the exclusive privilege of consuming itself, or of exchanging with the Western confederacy for such articles of production as it can not raise at home. It must still retain some connection, some trade with its neighbors, on this side the ocean. If the Southern confederacy can not get on for a moment without some intercourse with the West, why not unite the two into one? What need of a Western confederacy? But that would at once destroy the homogeneousness of the Southern interest, and the same questions would be likely to grow up, as now exist between the South and the North. The Southern confederacy is to have but one interest—that of planting. Its productions are all to be exported,

and by this operation twenty millions of profits are to be realized. By whom? The South? Not at all. The profits, be they large or small, go to the navigating interest, to the shippers and shipowners, to the exporting merchants. And who will conduct this business? Not the planters, for all their capital and means are to be employed in growing the articles. The South is not to become also a commercial or navigating State, for that also would destroy the identity and singleness of interest which is to prevail there. The exports must, therefore, inevitably be made in British ships, by British merchants, and agents of foreign manufacturers; and all the profit of such operations must go, not to the South, but abroad. Besides, it must be carried on by foreign hands, for another reason, and that is, the policy of enriching foreign labor, by giving it all the employment possible, in order to enable it to consume more largely of our productions. But passing by this, and assuming that the South is to have one hundred and twenty millions of foreign imports, who is to consume them? What is the South to do with them? She will have a population of about six millions. The United States have now a population of twenty millions; and we find one hundred millions of imports ample for our whole consumption.

"Is it probable, nay, is it possible, that the population of six millions, in the Southern confederacy, will consume as much of foreign productions, of luxuries, as the whole Union does now? A large portion of foreign manufactures are of costly fabrics, not suited for, nor wanted by, a considerable part of the Southern population. Undoubtedly the wealthy portion of Southern population consume as liberally, or more so, of luxuries and expensive commodities, as those of any other section; but then a very large class of persons there consume far less than the laboring people of the North and West. How much, for instance, of silks, linens, fine woollens, glass, cutlery, carpeting, etc., and which go to make up the bulk of our imports, are consumed by the two and a half millions of Southern population, who are to be the laborers in the production of the one hundred millions of exports? How much of tea and coffee, of wines and sugar, and the thousand other things which our table of imports exhibit? Making all the allowances for the character of a portion of the population, does anybody deem it possible that the South could consume that enormous amount of foreign productions? No; she must trade with some other nation, and obtain some other articles of greater necessity, for the South can not subsist on manufactured products alone. She will not trade with the North, for that is wholly interdicted in the theory of the Senator, but she will trade with the West:

she will sell to the West. But what will she buy in exchange? What splendid inducements are held out to the West to enter into this commercial league? The Senator says, that the West will thus be enabled to buy all she wants at low rates, and to sell all her productions at high prices. Let us see if this be so. What will the South take of the West? I believe the only thing indicated by the Senator, as an article of much importance, was live animals, which are now chiefly obtained from that section. Of most other articles of agricultural production, necessary to the subsistence of Southern laborers, a sufficient supply is raised at home, and from some of them considerable quantities are exported to the North. But that export is then to cease. The West then, the boundless West, its spreading and fertile prairies, its millions upon millions of free, industrious people, are to have the mighty privilege of supplying the South with all the live stock it may require, and, in return, is to be wholly dependent upon Southern imports of foreign manufactures for every commodity of that description which it may need. Of the other products of the fertile West, the South is to take nothing. It will not require the cotton-bagging and bale-rope of Kentucky and Missouri; for they are manufactures, and, if made at home, necessarily diminish the demand for the foreign imports received in return for Southern export, and, of course, diminishes the ability of Dundee and Glasgow to consume the cotton of the South. The hemp and wool of the West, for wool is yet to be a great staple there, can not be taken for the same reason, and for the additional one, that the South will have no occasion for them. But the Senator said, inadvertently I must think, that the West would export through the free ports of the South, all its surplus production. Why, sir, that breaks up the whole arrangement at once. If the West export any thing, she will import also; and she will then cease to be a purchaser of the South. She will import for herself, and who then is to consume the one hundred and twenty millions of Southern imports? If the products of the West are hereafter to form considerable portions of American exports—I hope they may—I see no reason why they may not be made through Northern ports in American ships, under our Government, as well as in a separate confederacy. But the whole theory of the Senator rests upon the ground that they are not to become exporters at all. The whole scope and policy, aim, end, and object of his measures, are to induce larger imports of foreign fabrics, with a view to create larger demands for Southern productions, not Western. If this enlarged import should occasion a demand for Western product instead of Southern, then the peculiar oppression and grievance of the South would be just

as great as it is now. Nor can the West be allowed to become a manufacturing region either. If it manufacture for itself, it will not require the foreign fabrics which the South proposes to furnish. The countless millions who are hereafter to inhabit these vast regions, spreading out toward the setting sun, are neither to produce for exportation, nor to manufacture for themselves, but are to find, in the markets of the South, of six or eight millions of consumers, full demand for all their surplus productions—productions, not one of which, be it remembered, must come in competition with the labor of foreign nations. This is the mighty boon held out to the West, in the new arrangement, which the Senator has supposed.

"The West, I doubt not is destined to become a great manufacturing region. It is so already to no inconsiderable extent, and its true interests lie in that direction. It is becoming a great producer of wool, and the next step must be, the manufacture of it; and this, almost of necessity. There are no markets for it abroad, and it must seek and have a home market. All nations are becoming growers of wool; and even remote Australia is beginning to furnish it to Europe and America. In such a state of things, the wool of America must be manufactured in America; just as the iron of our hills must be manufactured here, or lie forever buried in the earth. So the wool of the West, and the iron of the West, must at no distant day be manufactured in the West. But the Senator's partition does not look to that at all. It looks to keep the West always dependent for manufactured articles, on the labor of others, not of itself; with no other means of payment but the raising of animal provisions, alive or cured, for a population far inferior to its own.

"It is to be borne in mind, that the North is to be no longer a consumer of Western production; for that also would disturb the symmetry of the Senator's portraiture. The North is to be too impoverished to deal with any body. It will have nothing to sell, and of course, can buy nothing any where, so far as trade and commerce are concerned; and may be considered wholly obliterated from the map of American confederacies. But, sir, is there no danger of collision in the Southern confederacy itself; no jarring of different branches of the homogeneous interest? The sole staples of export, are to be cotton, tobacco and rice; and these are to furnish all the manufactured articles required for the whole confederacy. Virginia raises no cotton, I think; or to a very inconsiderable amount, not worth mentioning. Its only production for export, is tobacco: of which, it grows $3,500,000 in value. It has a population of about 1,250,000. South Carolina, with about half the population of Virginia, produces nearly

double the value of exportable commodities. Compared with Alabama, the disparity is greater still; and with Mississippi, still greater. Alabama, with a population less than 600,000, produces over $8,000,000 of exports; and Mississippi, with 375,000, over $15,000,000 of imports. She exports but $3,500,000, and of course, can import but that amount. She raises nothing which South Carolina, or Alabama, or Mississippi want; there can be no trade between them. Her consumption should be in proportion to her population; double that of the two former, and quadruple that of the latter State. How is she to pay for her excess of consumption? The result would be, that in a short time, Virginia would come to some reckoning with the other more favored States of the confederation, and demand some adjustment on a more equitable basis. She would say to her neighbors, 'Our good friends in Europe, which is our national market, impose a duty on my tobacco of several hundred; in some instances, 2000 per cent., while your cotton is almost free. Something must be done to equalize this matter. You must pay me a draw-back on my tobacco, or we can not buy your imports; you must buy more of us, or we can not buy of you. We must manufacture for ourselves, and for you too; or we have nothing to pay.' Then comes the question of taxation, of production, of home industry, the same which arises now. Virginia must insist and will insist that her coal and iron shall be consumed in preference to that of England — that her cotton manufactures shall be protected; and soon she will have woolen manufactures too. Finding herself possessed of every element of national wealth, she would insist, and justly insist, on developing her rich and exhaustless resources. She would enter largely into manufactures, into mining, salt-works, glass-works, navigation, foreign and internal commerce; and every other branch of human industry. She would, and will yet, and must, become what she has illimitable means of becoming; a manufacturing and commercial, as well as an agricultural State. She ought long ago to have been such. In the new confederacy, she would be more deeply sensible of her true interests, with far less experience than she has already had.

"Hitherto, the North has furnished large markets for her flour and corn; but in the new order of things this is to cease. The North is to be too poor to consume these products of Virginia; and, besides it would disturb the harmony of the system. If the North should presume to buy the corn and flour of Virginia they might pay for it in American manufactures; and that again would destroy to that extent, the demand for the foreign-made fabric which South Carolina imports. It is apparent that Virginia would very soon become a manufacturing State, and would insist upon paying South Carolina, for whatever of

British productions she might want, in Virginia manufactures. She would say, 'We will take your raw cotton, and spin and weave it; but you must buy of us the cloth which you require, that is made from it. We will buy the silks and wines you get from France; but you must take our iron and iron manufactures in exchange — and our wool and woolens. Our ships must be protected and encouraged to carry your productions, and to return your imports.' And if South Carolina would not accede to all this, Virginia and South Carolina would be quite as much at variance as the South and North now are. The homogeneousness would be utterly broken up. But worse than this — how would South Carolina herself get along? How could she stand the competition with Alabama and Mississippi? With a less population, they would make by far the largest portion of the imports. How is South Carolina to obtain her equal share for consumption? What one single thing does South Carolina produce, which Mississippi wants? For the same reason that would operate on Virginia, South Carolina also would inevitably be compelled to manufacture for her own consumption. In this new confederacy, with but *one* interest—the growth of raw material for exportation—she would be very far behind Alabama, Mississippi, and Louisiana, in the relative proportions of her productions. She would have nothing which either of these States wanted, with which to purchase her just share of the imports, and would be compelled to enter upon some new field of industry, to save herself from utter ruin.

"South Carolina, with a population in round numbers of six hundred thousand, produces six millions for export; while Mississippi, with three hundred and seventy-five thousand, produces fifteen millions. Mississippi, therefore, as compared with South Carolina, imports as fifteen to six. Mississippi can import, and according to the Senator's argument, can consume at the rate of forty dollars a head for all her population; while South Carolina can only import and consume at the rate of ten dollars, and Virginia less than three dollars. This would be a state of things which could not last. The inevitable result would be, that the northernmost States of the Confederacy, utterly unable to obtain for all their labor, devoted to the growth of rude produce, sufficient for their wants in the manufactures of Europe, would, of absolute necessity, begin to supply themselves by home production; and then the same questions of tariffs and protection would grow up, and would finally be settled, just as they are now settled, in favor of home industry. There can be no other possible result.

"Can any Senator point out in what way those States, which are to be the smallest producers of exportable articles, are to be the largest

consumers of the imports? No, sir; there is no possible way in which it can be done. Then, as between the Southern and Western confederacies, difficulties of no small embarrassment must grow up. I have already shown that the West must not be an exporter, nor a manufacturer; for either of these destroys the whole foundation on which the prosperity of the South is to be built up. In such a state of things, how is the Western Confederacy to be supported? Whence its revenue? The honorable Senator says, that the Southern Confederacy, by imposing a duty of ten per cent. on the one hundred and twenty millions of imports, will obtain a revenue of twelve millions annually, fully sufficient for all its wants. But what is the West to do? Supposing her comfederacy to need no more than twelve millions also, how is she to obtain it? Admitting that she is able to consume half the imports, sixty millions, she will be compelled, if she raise her revenue on imports, to pay a duty, first, the ten per cent. already assessed in the South; and next, twenty per cent. more for her own purposes—that is, six millions to the revenue of the South, and twelve millions to her own treasury,—in all, eighteen millions on an import of sixty millions. This calculation supposes, of course, that all imports are dutiable. Nothing is to be free. Neither tea nor coffee, nor salt, nor even specie. Every thing is to be taxed; and the Western Confederacy is to have the great privilege of paying one-half of all the revenue of the Southern Confederacy, and to pay, in the whole, fully as much on imports as was paid last year by all the United States together.

"It is not easy to conjecture what amount of revenue will be necessary for the support of the ultra-montane confederation. What are to be its limits? If it is to stretch across the Rocky Mountains, and wave its scepter on the shores of the Pacific, how many mounted regiments, how many troops, how many fortifications, how many military roads and military posts will be required for its security, no one can foretell. That its expenditures will be great can not be doubted. If the revenue be derived from duties on the imports which it makes from the Southern Confederacy, the Southern, in return, will begin to impose duties on the provisions and live animals received from it. Then follow retaliatory regulations, counter legislation, border difficulties, and all the preliminary and incipient measures of animosity and strife. If, finally, from these, or from any causes, open war should break out between any two of these confederacies, or with any foreign nation, how is the prosperity and happiness of the Southern Confederacy to be affected? She, under no circumstances whatever, could engage in hostilities with England, her '*natural market.*' Deprived

of her only customer, cut off from all her accustomed supplies, a single year would prove utterly ruinous to her. Remember, she is to have no intercourse with the impoverished North. She is not to be a navigating, and hence not a naval power. Her sole resource is in planting and in exchanging her rude produce with Europe. How long can she endure a total suspension of that intercourse, even though she should not be called upon to pay one dollar for defense, nor to have her coasts ravaged and her cities laid waste?

"Suppose, for a single moment, that the manufactures of cotton in the Middle and Eastern States should now be annihilated, as they are to be in the new state of things which the Senator imagines, thus removing all demand for cotton for home consumption; and suppose, further, that without the perils, and expenses, and dangers of a foreign war, Europe, or England alone, should refuse to take another pound of cotton from the United States, what would be the condition of the South? If industry there is depressed now, if the profits of planting are small, if the South is becoming more and more impoverished, as the Senator asserts, what must it be in such a case? And if thus brought to the verge of ruin, what would she be, if, superadded to all of this, she should be plunged into war with the most powerful nation of the world, and left alone, single-handed, to sustain the conflict? Let Senators consider for themselves.

"Again: if instead of a war with England, or some other power of Europe, the Southern Confederacy should be brought into collision with either of the others, deeply to be deplored certainly, but not impossible—perhaps not improbable—does the South see, in such a calamity, nothing to be apprehended disastrous to Southern interests? She can not, on a sudden emergency, become very strong as a naval power, though her citizens be ever so brave and chivalrous. She must have allies who command the ocean; and who but her best customers, and her sole manufacturers, the English? British fleets will ride in her harbors and upon her coasts, if not British bayonets defend her soil. Does the Senator see any security for Southern institutions in such an alliance? Is British feeling, British policy, not to say philanthropy—is 'the grasping ambition of England,' of which we hear so much, all to be calmed, allayed, soothed down, in favor of Southern peculiar institutions? Is British policy to take a new direction? Is that proud boast, in the inflated language of one of her orators, about 'the sacred soil of Great Britain,' where the altar and the god fall together, and the chains are unriveted before 'the genius of universal emancipation,' to be all unsaid and all unwritten? But, independent of all interference or alliance in that quarter, are Southern

interests more likely to be respected or protected, under the new confederacies which are to be formed, than they are now? What at this moment, is the great security under which they rest? What but the Constitution of these United States? To that they cling—and under that, and that alone, they insist upon the enjoyment of all which it guaranties to them. Is there any thing in the signs of the times, in the condition of public opinion in this country, to induce the South to believe that if this Constitution is broken up, and new forms of government are established, any greater security will be provided for their interests than is now furnished? Is that '*spirit of fanaticism*,' as the Senator has called it, which he supposes to prevail at the North, hostile to the interests of the South, to be allayed and quieted, when the restraints of the Constitution are removed, and when the anxious solicitude for harmony, and peace, and fraternal regard, which animate much the larger portion of the Free States, is turned into alienation and distrust? What remedies does the Senator expect will be voluntarily provided for the escape of fugitives 'held to service,' in the language of the Constitution, by the new Government to be instituted in the Free States? No, sir; when all connections and mutual obligations are dissolved, all Constitutional restraints abrogated, the South will in vain look for any relief or support of its institutions from the neighboring confederacies?

"A half century would not go by—no, not the half of it, if such a deplorable event as that which the Senator supposes should take place—before the South would exhibit, not the flowery and smiling fields which he has pictured, not the wealth and prosperity and happiness which he dreams of—but decay and desolation, and dreary wastes and poverty, of which he has no conception. No nation, as I endeavored to show yesterday, ever did, no nation ever can, or ever will, become permanently great, or powerful, or wealthy, whose whole labor is devoted to one, and only one pursuit, especially if that be the production of rude materials, which other nations enjoy the profit of manufacturing. It is against all history, against all philosophy, against every doctrine of political economy, which has ever found respectable support any where. The great and only security for the South is to remain a component part, a great part of a nation where diversity of interest and of pursuits prevail—where, by free intercommunication and exchange, the profits of labor and industry in all the sections will be equalized, and where the benefit of one promotes the benefit of all. But the Senator. His faith is strong against all experience, against the history of all nations, against all the warnings and admonitions, and legacies bequeathed to us by the fathers of the

country—the patriots and sages and statesmen of the purer and earlier age of the Republic. Sir, this matter was early considered, early discussed. The value of internal commerce as a bond of union, the diversity of soil, climate, and pursuit, as a source of wealth and national strength, occupied much of the patriotic thought and patriotic hope of the framers of the Constitution.

"Mr. President, the honorable Senator in his estimate of the advantages to be gained by the South, from a separate confederacy, makes no account of national strength and national renown. He forgets that ordeal of fire through which we passed in the establishment of our independence, and through which we could never have gone if we had not been united. The glorious past he leaves out of view altogether, while his ardent imagination revels in the brighter visions of the future. Let the separation of which he speaks take place, and that day on whose annual return ten thousand times ten thousand American hearts beat higher and quicker—that day which first beheld us an independent nation—is to be blotted from the calendar. For the South, at least, it can bring no joyous recollections, no patriotic, heart-stirring emotions. The achievements of our ancestors are all to be forgotten. Camden and King's Mountain may indeed remain within the limits of the new confederacy—but none of the renown and the glory which attach to them will belong to it. All of gallantry and prowess and noble-bearing which were then displayed, all of high-renown, ever-enduring fame, honor, glory, there acquired; belonged, and ever will belong, in all history, to *United, United, United* America. It can never be divided—God grant that it may never be obliterated and forgotten. No account is to be taken of the glorious spectacle which we have presented to the world, in the solution of the great problem of the capacity of mankind for self-government—no account of the great advance which has taken place in government, and the progress of free institutions all over the world, for our example.

"The various events of our unparalleled Revolution, the renown achieved in that momentous struggle—the veneration for the *great* and *good;* the patriots whose fame is our country's inheritance: the sacred bequest of liberty, unity, strength, purchased with so much blood, and so much treasure, are all, all to be abandoned, all sacrificed, if, in the providence of God, so deplorable an event should occur, as that which the Senator, for the purposes of illustration, has supposed. But no, sir, none of these things will happen. I have no belief that the honorable Senator himself contemplates or desires such a calamity—I have no belief that his honored State entertains the slightest wish, the faintest hope, for a separation of our Union. I am

sure I should do him, and it, great injustice to attribute such a purpose to either. No man is reckless enough to covet the fame, the eternity of infamy, which must await him who shall bring upon this happy land the desolation and war which such an event must produce. The adventurous youth who undertook for a single day to guide the chariot of the sun, paid for his temerity with the forfeit of his life. Happy will it be for him who, impelled by a mad ambition, shall kindle up our system in universal conflagration, to escape with so light a penalty. He will live, live in the reproaches and execrations of mankind, in all time. He will live in history—not on the page where are inscribed the names of the benefactors of our race, not with the *good*, the *wise*, the *great;* but with the enemies of the liberties and happiness of mankind, with the oppressors of their race, with the *scourges* whom God has permitted to desolate nations, and to quench human happiness in tears and blood. Sir, we are one. We can not be divided. We have a common country, a common history, common distinction, renown, pre-eminence. They all belong to one, and one only. We have common and mutual interests which bind us together, and which can not be severed. Bands stronger than iron and steel hold us in indissoluble connection.

"'One sacred oath has tied
Our loves; one destiny our life shall guide,
Nor wild, nor deep, our common way divide.'"

IMPORTANT CASE OF MONOMANIA.

THE great case in the Circuit Court of the United States for the district of Indiana, of the heirs of James B. M'Call against Willard Carpenter and John A. Reitz, having been compromised, it may be interesting to the professional reader and the student of medical jurisprudence to sketch the facts and questions that arose in the case. The large amount of property, the character of the case, the length of time occupied at the several terms of the court and in the Supreme Court of the United States, gave to the case an interest second to no case ever tried in the State. It was an action of ejectment brought by the heirs of James B. M'Call against Carpenter and Reitz for a large number of lots in Lamasco city that had been sold by Hugh Stewart to them, claiming title under a deed executed to him by James B. M'Call on the 18th of June, 1840. The main question in the case was whether James B. M'Call at the time of the execution of this deed had sufficient capacity to execute it understandingly. On the part of the heirs it was insisted that their ancestor was insane at the time he sold the lots and executed the deed to Hugh Stewart. The defendants, counsel placed the defense upon the ground that, admitting that M'Call had hallucinations of mind, before and after the execution of the deed, on some subjects, still he was sane on the subject of the sale of these lots and the execution of the deed in question. M'Call, the ancestor, was proved to have been laboring under a state of melancholy before the execution of the deed, growing out of the depreciation of property and the loss of his wife. About the time of its execution he showed strong hallucination on the subject of famine, starvation, and poverty, and valuelessness of land and general depression in monetary affairs, and some months afterward committed suicide by taking laudanum and cutting his throat. The question was whether this mania, or partial derangement, embraced the sale of the lots and the execution of the deed in question. There was a large amount of evidence on that point, which it is not important to state. There were four experts examined—Dr. J. S. Athon, principal of the Insane Asylum, Dr. T. B. Elliott, formerly physician of the Asylum, Dr. Ritchey, one of the trustees of the Asylum and Dr. Barton, of Washington, Daviess county. These witnesses were separated and examined at length before the jury. Upon some points they agreed, and on others they widely differed. It was evident, in the examination, that the positions that Dr. Athon and Elliott held for years in the Insane Asylum, made them more familiar with the subject of insanity than the other experts, and the

main questions were directed by the counsel to them. Upon the following questions they agreed:

"*First.* That a monomaniac, upon the subject of his delusions, can not perform a *continued* series of business acts in a common-sense manner like persons of unquestioned capacity.

"*Second.* That where the question is doubtful as to what the delusion embraced, the fact that he acted continuously like a sane man on a particular subject, would show that his delusion did not embrace that matter."

Dr. Athon and Dr. Elliott, the experts, after hearing all the evidence in the case, differed upon the following question; "Whether from all the evidence you have heard in this case, including the deed, description of the lands, letters and book accounts of M'Call, you would consider that James B. M'Call, at the time he executed the deed to Hugh Stewart, had sufficient mental capacity on the subject, to understandingly sell and convey the lots in question to Hugh Stewart?" Dr. Athon.—"I believe he had not." Dr. Elliott.—"I am well satisfied he had." This was intended as a test question for the experts, to go to the jury with their answers. It will be seen, with all their great experience and knowledge on the subject that they differed widely upon the application of the evidence before the Court and jury to the case on trial. Here it is that the greatest difficulty always occurs, the Court and jury have to determine the case at last, not merely upon the opinion of experts, but upon the whole evidence, and the law of the case. There is not so much difficulty in determining what the law is or what facts have been proved, as to give the law and facts their proper application to the case before the Court and jury. The following general principles are laid down in the books.

All men are presumed in law to be sane, their acts and deeds valid, and the burden of proof to impeach, or deny the one or the other, lies upon the party who sets up insanity, or denies the legal force of the deed.

Insanity may be either *total*, affecting the mind on all subjects, and rendering it incompetent to act sanely on any subject, or it may be *partial*, only insane upon some subjects, and entirely sane on others. In the case of total insanity, all acts done while the person remained insane would be void, but in that case there may be lucid intervals, when all acts done during those intervals would be valid. Here again the proof changes, the presumption of sanity being rebutted by proof of insanity. It is incumbent on the party setting up the lucid interval to prove it clearly, to make the acts done during such lucid interval legal, as the presumption of law is, once insane always insane, until the contrary is proved.

Partial Insanity is where the mind is laboring under illusions, or hallucinations, on some subjects, while it is sane on others. This was the case of M'Call, as agreed by all the witnesses, experts as well as others. The books as well as the learned experts, agreed that a monomaniac, or a person deranged on some subjects, has no lucid intervals on those subjects until there was an entire cure, but that there might be a *remission* of the symptoms, to be revived the moment the chord was touched that produced them. The great difficulty in such cases, is in determining what the particular monomania or hallucination embraces, and what it does not. In this case, M'Call was evidently a monomaniac upon the subject of a famine in the land, and the approaching poverty of the people, and that himself and family would come to want. But did that embrace the sale and conveyance of his own lands, reserving in his deed a part, where he had acted as a sane and business-like man? Upon that point, the experts as well as the intelligent witnesses, differed; and that would have been the question before the Court and jury, had the case progressed to a conclusion.

Experts. The books on Medical Jurisprudence lay it down as a principle for the government of trials of insanity, that the opinions of experts are of a much higher order than the evidence of others. Has not this idea done much mischief by being received in the general terms in which it is laid down. It may be true, all other things and the knowledge of facts being equal, but is far from being so where the expert has only learned the state of the mind of the insane person from the mouths of witnesses, without seeing him or knowing the change that had taken place in his manners, habits, conversation and actions when passing from a state of sanity to that of insanity. Every case of insanity that has found its way into our Asylum, has been detected, not only by experts, but by the family and friends at home, before the patient was sent to the Asylum. It was at home in the common business associations of the insane person, that his insanity, whether general or partial, was discerned. It was there that the change would be seen. It may be admitted, that were the family and friends experts, the nature and extent of the malady would be more distinctly noticed. But the question at issue is, whether the mere opinions of experts, without a full and minute knowledge of all the facts, and without ever having seen the patient, should be held higher in law than the evidence of the intelligent observer who had seen the patient and his changes, and their operation on his mind from time to time. The opinions of experts must always be received, and should be entitled to due weight; but should like all other evidence, be closely examined by the Court and jury, with the other testimony in the cause, but

should not be held to over-ride the other witnesses who testify to facts, and from those facts give their opinions, unless the opportunities of the experts have been equal to those of the other witnesses to know the facts of the case. Then their scientific knowledge would place them upon the higher ground.

The great danger of receiving the opinions of experts, as of a higher character of evidence, without proving a sufficient basis for the opinions to rest upon, is strongly illustrated by the case given in Wharton's Medical Jurisprudence; where a sane man was confined in the Insane Asylum for weeks, and treated as a raving maniac, without discovering that anger was not mania. The case, as given by Wharton, is both amusing to the ordinary reader, and instructive to those engaged in the trial of cases of insanity.

THE AUTHOR.

As the passenger leaves the city of Philadelphia on one of the splendid steamers that ply between the city and Trenton, on the Delaware river, as he passes the forests of masts and lines of shipping, and casts his eyes over the city, and sees the steeples of her hundred churches, piercing the clouds, his mind will involuntarily look back to the days when William Penn laid off its beautiful streets and squares, between the Delaware and Schuylkill rivers, when not even a hut of the fisherman had been built, where that magnificent city now stands, where stood the old elm tree, under which the first treaty with the Indians was made, by the great proprietor, he will exclaim, "How great the change!" My grandparents on both sides were friends and associates of William Penn, crossed the Atlantic from England with him, and belonged to the same society. The steamer as she runs up the Delaware passes one of the most beautiful countries, on the Pennsylvania side, in the world, highly cultivated. On the Jersey side it is more wild and picturesque. On the Pennsylvania side stands the beautiful city of Bristol. On the Jersey shore stand Burlington and Bordentown. Near the latter is seen in a deeply-shaded grove the mansion of the late ex-King Joseph Bonaparte, as it rose from the ashes of his former splendid residence. The city of Trenton, the capital of New Jersey, stands prominent on the right. The more humble Morrisville covers the left bank at the falls of the Delaware, where the permanent arch-bridge unites the two cities.

When but a mere youth, as I was approaching Morrisville in the dusk of the evening, I heard the cry of fire. Just as I reached the center of the town, I saw a man walking upon the top of a house, bucket in hand, without a hat, sprinkling water upon the roof. A gentleman in the crowd asked me if I knew who he was; and remarked—"this is Gen. Moreau, of France." The General came down after a short time, and I had a full view of him. I looked upon the hero of Hohenlinden at the time with much interest. He was short and thick, dark complexion, black hair eyes and whiskers, stern countenance. He afterward fell by a cannon shot at the battle of Dresden, in 1813, while fighting with the allies against the French army under the command of Napoleon.

At Trenton the tide ceases; the rocky shoals and rapid currents of the Delaware commence. The traveler leaves the steamer and takes the cars. Some twelve miles above the city of Trenton, the current of the river becomes still more rapid; the water dashes over Well's Falls; "*Smith's Island*" divides their channel at the base. That

Island belonged to my grandfather, and descended to my father. Here I must stop and let the traveler pass on to look at the mountain scenery on the upper Delaware, as it winds its serpentine way north to the State of New York, where he finds its source. I have arrived at the place of my birth on the 23d of October, in the year 1794; the beautiful Delaware, with its clear waters, rapid currents, floating rafts, fine shad, and beautiful striped bass, stretches away in the distance from my father's farm, the Jersey hills rising one above another to the clouds on the east; on the west a beautiful ridge; on the north Bowman's Hill. Near the junction of the hills, was found many years ago a few acres of level ground in the woods. The early settlers, my father among them, selected this spot for their school-house. It was a most solitary location, only found by the school-boys by their winding paths from their valley and mountain homes. The neighbors met, the ground was prepared, and the school-house built.

The building was twenty by twenty-six feet, of undressed mountain rock, one low story, four windows of eight-by-ten glass on each side, and two at each end, a continuous desk around the wall on three sides, with a corresponding bench for the scholars. When I first entered the school-house, at the age of six years, in the year 1800—I distinctly remember the day—with my little dinner-basket on my arm, the master was sitting at his desk on the right of the door, and a large bucket of water on the left. Our playing grounds were cleared smooth from surface rock. Our path led us to the top of "*Bowman's Hill*," where we had a splendid view of the Delaware and surrounding country for many miles. I have often thought, in after years, that these views in my youth exercised a powerful influence over my mind. The same feelings that prompted me in early life to break over the bounds of my valley home, pushed me on to look over the towering Alleghany into the beautiful valley of the Mississippi. It is not my purpose to touch my youthful days, as they would present nothing beyond the common occurrences attending farmer boys. However, on one Saturday afternoon, when I was twelve years of age, I accompanied Isaac Fox, a young man about eighteen, to the Delaware to bathe, at Opdyke's Ferry, near my father's farm. There were some dozen boys swimming when I got there. Without waiting for Isaac, I went in and swam out to the boys. I was a fine swimmer. In a few minutes I took the cramp in one leg, and under I went, the water being about ten feet deep, and as clear as crystal. I rose, alarmed the boys, and went down again; rose the second time, and sunk; then came the last struggle. I remember it distinctly. The breathing ceased, the water run back from my mouth, the pressure on

my lungs was painful, my head rolled over on the gravelly bottom, with my face to the West. My mind was clear, as my eyes closed on a bright sun, some hours above the mountain top. I fell, as it were, into a sound sleep. Some thirty minutes afterwards, I felt very sick, the water was running from my mouth, my eyes seemed to open involuntarily. There stood Isaac bending over me, his clothes dripping wet. He heard the cry of the boys when I was drowning, ran down to the bank of the river, learned where I went down, floated over me, saw me lying quietly on the bottom. I had been there near ten minutes. He dived down, brought me up, floated me to the shore, took me unconscious to a tavern just by, and rolled and rubbed me into life. As I opened my eyes, he cried aloud for joy. A few minutes longer under water, and I could not have been resuscitated.

The school-boys one evening roped a little intoxicated Irishman, who happened to be passing by. He got very angry, and named the school-house *Lurgan*, after a place of that name in Ireland, and from that day it went by no other name. I saw it when after an absence of twenty years in the West, I visited the home of my youth. I looked upon it with deep feelings, as my *Alma Mater*. I thought of the beautiful lines of Dr. Carney, of Tennessee. How true to life! How striking!

"Hail, native solitary woods!
Ye clear unnavigated floods,
And forests wild;
Ye valleys lonesome, dark and deep,
Ye mountains craggy, high and steep,
Romantic piled!

"Oft in my solitary walks,
I've started, as my voice was echoing through your rocks,
When but a boy!
Astonishing the silent wood,
While little Tray who by me stood,
Barked out for joy.

"Ye happy days now gone, adieu!
But dearest spot, ere long on you,
I'll drop some tears!
But then your shrubs will trees be grown,
Your trees by storms will be o'erblown,
Or changed by years!

"My school companions will be men,
My dear loved parents may ere then
With age decay!
The school-house moldering stand alone;
The school path be with weeds o'ergrown,
Or ploughed away!"

My school companions were the grey-headed men around me. Our once united, happy family were separated forever. My beloved parents, Thomas and Lætitia Smith, had long since gone to the reward of the just. The farm on which I was raised had passed into the possession of strangers. The choice fruit that had been cultivated by my father I saw plucked from the branches of the old trees by other hands. New towns had sprung up on the lines of the public works; new seminaries had been opened and Lurgan school-house "moldering stood alone." I turned from the scenes of my boyhood, visited the grave of my father at Wrightstown, and of my mother at Byberry, dropped a parting tear over their slumbering dust, and left for the Great West, deeply impressed with the transitory nature of all earthly things, and without any desire ever to repeat the visit; it was to me, like looking for the last time upon the face of a departed friend, before the closing coffin concealed it forever. Who could ask the lid to be raised, to take another look? Farewell to the scenes of my youth! farewell forever, I shall never see you more!

SENATE CHAMBER.

Shortly after, I was sitting on the side sofa, in the Senate Chamber, at Washington city, in conversation with Mr. Clay, Mr. Webster, and Col. Preston. The subject of education came up. Mr. Clay had given us a graphic sketch of his early education in the Slashes of Virginia. Mr. Webster followed with an interesting account of his New Hampshire course of studies, not forgetting the hanging of the scythe on the apple tree for his father. Col. Preston amused us with anecdotes of his boyish days. As he closed, turning his eye on me, "Where were you educated, Mr. Smith?" "At Lurgan." "Where is that?" "Lurgan stands at the foot of Bowman's Hill, on the Delaware River." "I never heard of it before." "See the difference between Northern and Southern men. I have frequently heard of the South Carolina college." Mr. Webster, without the least idea of the character and grade of Lurgan, where nothing had ever been taught but the common rudiments of an English education, joined in with me. The conversation turned upon the ignorance of the South of the literary institutions of the North, and the great importance of a social interchange of addresses by distinguished men at the commencement of colleges, of both North and South. The idea was readily embraced by those distinguished men.

This sketch is designed to encourage my young readers to persevere from youth to old age. We live in a glorious country, whose institutions are open to our highest aspirations; where there can be no priv-

ileged classes; where mind is left free to combat and act upon mind; where perseverance, integrity, and talents, will surely be rewarded in the end. Our property is not subject to feudal restraints, nor our high places to hereditary entailed successions. All is as free as the air we breathe, to the worthy aspirant. In my early days, there were but few colleges in the land. Many of the distinguished men were compelled to enter upon public and professional life without the advantages of a thorough education. They came from the common schools and were afterward graduated in the colleges of experience. They were common-sense, practical men, with minds that made great men of them in despite of their defective early education. I do not wish to be understood, here or elsewhere in these sketches, as standing opposed to a collegiate education. I only contend that the English foundation must be laid strong and firm, before the superstructure is erected, and if one or the other is to be neglected, let it be that which is the least essential to the success of every-day life. Times have changed in my day. The cause of education has been cherished. Common, select, free, high schools, seminaries and colleges, may be found every where planted over the length and breadth of the land, every facility is now presented to the rising generation, to obtain a first-class education, and all other things being equal, with proper efforts they ought to come up to a much higher standard than their fathers.

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